

Date of issue: Wednesday, 10<sup>th</sup> October 2018

<b>MEETING</b>	<b>LICENSING COMMITTEE</b> (Councillors Davis (Chair), S Parmar (Vice-Chair), B Bains, M Holledge, Mann, D Parmar, Qaseem, Shah, Strutton, Usmani and Wright)
<b>DATE AND TIME:</b>	THURSDAY, 18TH OCTOBER, 2018 AT 6.30 PM
<b>VENUE:</b>	VENUS SUITE 2, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	SHABANA KAUSER 01753 787503

**NOTICE OF MEETING**

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.

*All in order,*

**JOSIE WRAGG**  
Chief Executive

**AGENDA**

**PART I**

<b><u>AGENDA ITEM</u></b>	<b><u>REPORT TITLE</u></b>	<b><u>PAGE</u></b>	<b><u>WARD</u></b>
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Apologies for absence.

**CONSTITUTIONAL MATTERS**

1. Declarations of Interest

*All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the*



**AGENDA****REPORT TITLE****PAGE****WARD****ITEM**

*Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.*

*The Chair will ask Members to confirm that they do not have a declarable interest. All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.*

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| 2. | Guidance on Predetermination/ Predisposition - To Note | 1 - 2 | - |
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| 3. | Minutes of the Meetings held on 12th June 2018 and 10th September 2018 | 3 - 14 | - |
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**LICENSING ISSUES**

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| 4. | Gambling Act 2005 - Review of Statement of Principles and Local Area Profile. | 15 - 74 | All |
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| 5. | The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 | 75 - 104 | All |
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| 6. | Mandatory Passenger Assistant Training Scheme (PATS) for all Hackney Carriage and Private Hire Drivers | 105 - 120 | All |
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| 7. | Members Attendance Record 2018/19 | 121 - 122 | All |
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| 8. | Date of Next Meeting - 14th February 2018 | - | - |
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**Press and Public**

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.



## PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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**Licensing Committee – Meeting held on Tuesday, 12th June, 2018.**

**Present:-** Councillors Davis (Chair), S Parmar (Vice-Chair), B Bains, M Holledge, Mann, D Parmar, Qaseem (until 8.06pm), Shah, Strutton, Usmani and Wright.

**PART 1**

**1. Declarations of Interest**

None were received.

**2. Guidance on Predetermination/ Predisposition - To Note**

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

**3. Minutes of the Last Meeting held on 15th February 2018**

**Resolved** – That the minutes of the last meeting held on 15<sup>th</sup> February 2018 be approved as a correct record.

**4. Establishment of a Licensing Sub-Committee and Appointment of Designated Chairs**

The Senior Democratic Services Officer introduced a report seeking nominations for the appointment of Designated Chairs to the Sub-Committee for the 2018/2019 municipal year. Members were reminded that the Sub-Committee met during the day and that consideration be given to this when nominations were put forward for designated Sub-Committee Chairs.

It was confirmed that Members of the Sub-Committee were drawn from the membership of the Licensing Committee on a proportional basis (2 Labour, 1 Conservative). The Committee were advised that in the event that a Conservative Member was unavailable to attend a hearing, the Sub-Committee would comprise three Labour Members.

**Resolved** –

- a) That a Licensing Sub-Committee (drawn from the members of the Licensing Committee) be established as required on a proportional basis ( 2 Labour 1 Conservative) with terms of reference as set out in the Appendix to the report.
- (b) That Councillors B.Bains, Davis and S.Parmar be appointed to act as designated Chairs of the Sub-Committee for the 2018/2019 municipal year.

## Licensing Committee - 12.06.18

- (c) In the event a Conservative Councillor is unavailable, the Sub-Committee will comprise of three Labour Councillors.

### 5. Revised Proposed Low Emission Standards and New Vehicle Age Policy for Saloon Hackney Carriage and Private Hire Vehicles

The Chair varied the agenda order to allow consideration of Agenda Item 8 (Proposed Low Emission Standards) first given that there were a number of speakers in attendance for this item.

The Committee received a report updating them on the proposals for low emissions standards for saloon hackney carriage and private hire vehicles in Slough, as part of the Council's draft Low Emissions Strategy (LES); and proposals for a new Vehicle Age Policy to support these proposals.

The Licensing Manager reminded Members that in October 2017 the Committee agreed that a consultation be conducted with the taxi and private hire trade prior to a decision being made on low emissions standards. The revised Low Emission Standards and new proposed Vehicle Age Policy were subject to a full consultation with drivers and operators between 13<sup>th</sup> April and 16<sup>th</sup> May 2018. In addition, meetings were also held with the representatives of the Slough Private Hire Driver Association and Slough Taxi Federation to seek their views on the new proposals.

It was explained that the proposed new standards were in line with legislation and the Council's draft LES, which was being developed to reduce emissions from road transport to help improve air quality. Details of the emission standards were outlined and it was noted that a compliance date of September 2019 would be introduced for all new licensing applications and renewals of private hire and saloon hackney carriages. Members were reminded of the number of currently licensed vehicles that would be non-compliant with the revised proposals on a year by year basis as of 1<sup>st</sup> September 2019. It was highlighted that there would be a significant impact on all current licensed vehicles in that as of the implementation date no current licensed vehicle would meet the revised proposals and all vehicles would have to be replaced at the date of renewal. Furthermore, any current licensed vehicle that was due to be replaced having reached the 9 year vehicle age policy would need to be replaced with a vehicle that met the revised proposals.

It was noted that the trade had put forward alternative proposals as detailed in the appendices to the report. In summary, it was suggested that all current vehicles to run their term until 9 years of age and all new vehicles to be licensed from 1 September 2019 to comply with the proposed revised low emissions criterion.

The Committee were informed that all wheelchair accessible vehicles and vehicles constructed or adapted to carry wheelchairs used for home to school transport would be subject to a separate consultation. It was anticipated that this would be conducted late June/July 2018.

## Licensing Committee - 12.06.18

The Licensing Manager also detailed the proposals for a new Vehicle Age Policy for all saloon hackney carriage and private hire vehicles. It was recommended that the current policy of under 5 years to a maximum of 9 years be amended to under 3 years of age from date of first registration and be licensable up to a maximum of 12 years.

Prior to the Committee receiving submissions by trade representatives, a Member proposed that recommendation (h) - consultation on low emission standards for wheelchair accessible vehicles – be agreed prior to consideration of the other aspects of the report and Committee Members agreed.

Mr Sarfaz Khan representing the Slough Taxi Federation and Mr Aftab Khan representing Slough Private Hire Driver Association had requested to address the Committee and were invited to speak. A number of points were raised including:

- Although supported in principle measures being taken to improve air quality, it was felt that the trade were being unfairly penalised.
- Vehicles would be replaced with ULEV alternatives in due course in accordance with the vehicle age policy.
- The disproportionate financial impact on all drivers of having to replace their vehicles.
- There wasn't much trade in the town.
- It was clarified that the vehicle age policy of under 5 and a maximum of 9 years of age remain.
- There was no infrastructure to facilitate the proposals that had been presented - with only 6 rapid charging points across the Borough.
- Implementation of electric vehicles from 2025 would ensure that there would be a greater range of affordable vehicles on the market for drivers to purchase.

A number of Committee Members raised concerns which ranged from affordability of electric vehicles and the financial hardship that would be caused to a significant number of members of the trade. Furthermore, the Council needed to explore other methods of contributing to improving air quality and that the onus should not solely lay with the taxi trade.

Whilst acknowledging the potential financial impact on a number of drivers, a couple of Members stated that changes had to be made if the targets set in the Council's proposed Low Emissions Strategy were to be met.

A Member stated that prior to any changes in policy being implemented, the Council needed to ensure that adequate facilities were in place to support the all drivers with electric vehicles.

Details regarding the costs of purchasing electric vehicles were discussed. Mr Whittles, from Low Emission Strategies Ltd, was in attendance at the meeting and informed the Committee that an electric vehicle could be purchased for approximately £19k. Although this was a substantial cost it as anticipated that

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as more types of these vehicles became available on the market, costs would reduce accordingly.

The Cabinet Member for Regulation and Consumer Protection sought clarification from the Licensing Manager as to whether the proposed suggestions from the trade, were fair and acceptable with regards to meeting the targets and obligations as set out under the Council's Air Quality Action Plan. It was explained that the proposed emissions standards were already being applied to all new drivers and vehicles and it was envisaged that the Council would be compliant with national guidelines by 2025.

The Environmental Quality Team Manager, Mr Newman, informed the Committee that a meeting was due to be held with Electric Blue, suppliers of electric vehicles, and details including possible incentives for drivers in relation to ULEV vehicles, grants available, home charging, discounts offered, types of vehicle available on the market would be reported to the Cabinet Member for Regulation and Consumer Protection. Responding to the number of rapid electric charging points, it was noted that although there were currently seven in the Borough designated solely for use by the private hire and hackney carriage trade; the infrastructure would be improved in the coming years to cater for an increase in the number of electric vehicles.

A Member queried as to what the costs were likely to be for the installation of electric charging points at residential properties. It was noted that although the anticipated cost was likely to be £300, Government initiatives were currently offering a 75% discount for charging at home.

Officer's recommendations as set out in the report were considered and it was

### **Resolved –**

- a) That details of the report be noted.
- b) That the responses to the consultation be noted.
- c) That the revised low emissions standards as set out below be approved:

<b>Compliance Dates &amp; Emission Standard</b>	<b>Vehicle to be Licensed</b> <b>All Private Hire and Saloon Hackney Carriages</b>
<b>1st September 2019</b> CAZ* ULEV**	All licensing renewals i.e. renewals of currently licensed vehicles***.
<b>1st September 2019</b> CAZ* ULEV**	All new vehicles to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced ***
<b>ULEV from 1<sup>st</sup> September 2025</b>	All licensing renewals i.e. renewals of current vehicles and all new vehicles to be licensed.

Immediately following the vote on recommendation (c), a number of Members stated that they had not fully understood the implications of what the

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Committee had resolved and sought further clarification from the Licensing Manager. It was highlighted that the Committee had resolved to implement that from September 2019 all private hire trade and saloon hackney carriages be compliant with the new low emission standards. A number of Members raised concerns that implementation of the emission standards as agreed would cause a significant financial burden on existing drivers and that a phased implementation would be more preferable. The Senior Democratic Services Officer explained that in order to agree to this alternative approach, the Committee was required to rescind the decision it had just taken in relation to recommendation (c). The Committee therefore

### **Resolved –**

- (d) To rescind the decision taken in relation to recommendation (C) as set out above.

Following clarification from the Licensing Manager relating to the emissions standards and potential implications of for new and existing drivers it was

### **Resolved –**

- (e) That the revised low emissions standards, as set out below be approved:

All Currently licensed vehicles to run their term until 9 Years of age	
Compliance Dates & Emission Standard	Vehicle to be Licensed
1 <sup>st</sup> September 2018 CAZ Standard (Euro 6 diesel / Euro 5 petrol)	All <b>new vehicles</b> to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced ***
1 <sup>st</sup> September 2020 CAZ Standard (Euro 6 diesel / Euro 6 petrol)	All <b>new vehicles</b> to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced ***
ULEV from 2025	All licensing renewals i.e. renewals of current vehicles and all new vehicles to be licensed.
Any ULEV Vehicle to be aged up to maximum of 12 years	<b>New vehicles only.</b>

- (f) That the Vehicle Age Policy of under 5 and a maximum of 9 years of age for all saloon hackney carriages and private hire vehicles not be rescinded.
- (g) That a consultation on Low Emissions Standards for Wheelchair Accessible Vehicles, and vehicles constructed or adapted to carry wheelchairs used for home to school transport, to be conducted.

*(The meeting adjourned at 8.06pm and re-convened at 8.16pm)*

## Licensing Committee - 12.06.18

### **6. Code of Conduct/Best Practice Guide for Buskers and Street Entertainers**

The Senior Licensing Officer informed Members that over the years the Council had received complaints from businesses in the town centre regarding buskers and street entertainers. At present, the Council had no authority to move the buskers or street entertainers on or to prevent them from playing unless the noise they made amounted to noise nuisance.

It was noted that outside of London, busking was not covered by any legislation and a number of local authorities had developed their own Codes of Practice for Buskers and Street Entertainers. Members considered details of the proposed draft Code of Practice. The Code would ensure that proportionate and reasonable limits had been determined to balance the rights of the performers and local businesses/residents. It was brought to Members attention that a public consultation would be carried out with relevant businesses and stakeholders and reported to a future meeting of the Committee.

Commenting on the draft Code, a Member requested clarification regarding the minimum age limit of 18 years for buskers/street entertainers and suggested that this be reduced to 16 years of age. The Licensing Manager stated that the age limit should remain at 18 years as lowering it could raise potential safeguarding issues.

**Resolved -** That a public consultation take place on the draft Code of Practice for Buskers and Street Entertainers.

### **7. Adoption of Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades**

The Licensing Manager reminded the Committee that the Council, as a licensing authority, had a duty to have in place a policy and guidance when carrying out its functions relating to the suitability of new applicants for and current licence holders of Hackney Carriage and Private Hire Driver and Operator licences. The current approved policy and guidance was approved in 2008.

Members were informed that in April 2018 the Institute of Licensing published Guidance on Suitability of Applicants and Licensees in the Hackney and Private Hire Trade. The guidance had been produced in partnership with the Local Government Association and a wide range of stakeholders and other interested parties. It was recommended that in the absence of any national or statutory guidance, the IoL had produced the document with a recommendation that it was adopted by local authorities nationally. This would ensure consistency, certainty and confidence in the licensing regime. It was noted that the proposed guidance was not dissimilar to that currently in place by the Council.

**Resolved -**

- a) That the new Guidance as attached at Appendix B to the report be adopted.
  - b) That the current 'Policy and Guidance on Convictions and Cautions for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators' to be amended to incorporate the recommended types of offences and time periods in relation to convictions and cautions contained within the Guidance.
- 8. Gambling Act 2005: Lapse of No Casino Policy, Review of Statutory 'Statement of Gambling Principles' and Development of a 'Local Area Profile'**

The Council currently had in place a 'No Casino Policy' which had been adopted in 2015. It was highlighted that in 2015, the Government confirmed that there would be no changes to the portability of existing or new licences and that this decision would not be reviewed. In view of this, Slough would not be able to accept or consider an application for a casino and therefore the Committee were being asked to resolve that the No casino Policy should lapse.

The Council was required by the 2005 Act to adopt a Gambling Policy, namely a 'Statement of Gambling Principles' which was adopted by Council in December 2006. There was a statutory requirement for the policy to be reviewed every three years and the Licensing Team had commenced planning the consultation on the policy to ensure a new adoption was made by Council in December 2018. Within the policy, the Council was required to consider developing local area profiles - identifying, quantifying and mapping the vulnerabilities and other relevant features of their areas. This information would be used to inform the revised gambling policies. It was noted that this approach represented an opportunity for local authorities to contain the number and distribution of gambling premises and to enforce high standards of operation; whilst respecting the sensitivities of their locality.

The proposed consultation timetable was outlined and it was noted that details of the consultation would be reported to the Committee in October 2018.

**Resolved -**

- (a) That the 'No Casino Policy' lapse.
- (b) That the consultation exercise for the Gambling Act 2005 'Statement of Gambling Principles' to commence.
- (c) That the development of a 'Local Area Profile' for inclusion in the new policy document be agreed.

**Licensing Committee - 12.06.18**

**9. Date of Next Meeting - Thursday 18th October 2018**

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.49 pm)

**Licensing Committee – Extraordinary Meeting held on Monday, 10th September, 2018.**

**Present:-** Councillors Davis (Chair), S Parmar (Vice-Chair), B Bains, Mann, D Parmar, Qaseem, Shah, Strutton, Usmani and Wright

**Apologies for Absence:-** Councillor M Holledge

**PART 1**

**10. Declarations of Interest**

None were declared.

**11. Guidance on Predetermination/ Predisposition - To Note**

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

**12. Voluntary Code of Practice for Buskers and Street Entertainers**

The Licensing Manager introduced a report that sought approval for a new code of practice for buskers and street entertainers, which had been updated following the discussion at the last meeting of the Licensing Committee and subsequent consultation.

It was a voluntary code as there was no legislation outside of London to regulate or control buskers or street entertainers. The Code, if adopted, would provide best practice guidance and information for such performers to act in a manner to promote and enhance the vibrancy of the town centre.

In response to questions from Members, it was confirmed that there was no requirement for the Council to adopt a code of practice, although authorities such as Reading and Oxford had already agreed a policy, and as it was a voluntary arrangement rather than a licence, there were limited options for enforcement.

It was proposed that the policy be reviewed annually and Members requested that the report to Committee next year included information on the effectiveness of the code and any significant incidents that had arisen. At the conclusion of the discussion, the draft code as set out in the appendix was approved.

**Resolved –**

- (a) That the draft Code of Practice for Buskers and Street Entertainers, as at Appendix A to the report, be approved.
- (b) That the Code be reviewed annually from the date of publication.

**13. Adoption of the Provisions of Sections 50 to 61 of Part III of the Food Act 1984 and Section 37 of Part XII of the Local Government (Miscellaneous Provisions) Act 1982**

The Licensing Manager introduced a report that requested the Committee to recommend to Council the formal adoption of the relevant legislation pertaining to establishing and licensing markets and to approve the draft Market Licensing Standard Terms and Conditions and Draft Market Policy.

The Council recognised the role that markets could play in contributing to the regeneration and vitality of an area, however, there was no current provision in place to establish, regulate, control or licence markets in Slough.

Consultation had taken place on the Market Policy and the relevant legislation would need to be adopted before markets could held. In response to points raised by Members, the Licensing Manager explained that the Christmas markets held in previous years in Slough had been dealt with under Street Trading consents, and the markets policy would provide for more regular, long term arrangements to be put in place which it was hoped would enhance the town centre.

Members asked a number of questions about the types of markets Slough may attract; the minimum age of market traders; competition with town centre retailers; and the measures in place to ensure the necessary consumer protection safeguards and insurances were in place. The Committee was assured that all traders would need to have public liability insurance and display the name and address of the operator. Consumer Direct and trading standards could provide advice in the event of complaints about goods sold at a market. A concern was raised about the potential clash of markets with civic events and it was agreed to make an amendment to the policy to ensure that due regard to civic events was given in the scheduling of markets.

A Member expressed concern about the operation of a market in the town centre during any major redevelopment of the shopping centres that took place in the future. Any developer would need to have a construction management plan in place to minimise disruption and would be encouraged to engage with the organisers and traders at the appropriate time.

At the conclusion of the discussion the Committee agreed to recommend adoption of the relevant legislation and policies to full Council on 27<sup>th</sup> September 2018.

**Recommended –**

- (a) That the provisions of Sections 50 to 61 of Part III of the Food Act 1984 and Section 37 of Part XII of the Local Government (Miscellaneous Provisions) Act 1982 be adopted.
- (b) That the draft Market Licensing Standard Terms and Conditions be approved.

## **Licensing Committee - 10.09.18**

- (c) That the draft Markets Policy be approved, following consultation, subject to an additional provision that the timing of markets is planned with due regard to civic events.

### **14. Members Attendance Record 2018/19**

**Resolved –** That the Members' Attendance Record be noted.

### **15. Date of Next Meeting - 18th October 2018**

The date of the next meeting was confirmed as 18<sup>th</sup> October 2018.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 6.57 pm)

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee      **DATE:** 18<sup>th</sup> October 2018

**CONTACT OFFICER:** Michael Sims, Licensing Manager  
(01753 477387)  
Ginny De Haan – Service Lead – Regulatory Services  
(01753 477912)

**WARD(S):** All

**PART I**  
**FOR DECISION**

**GAMBLING ACT 2005: REVIEW OF ‘STATEMENT OF PRINCIPLES’ AND ‘LOCAL AREA PROFILE’.**

**1. Purpose of Report**

To inform the Committee of the outcome of the public consultation on the Council’s Gambling Act 2005 Statement of Principles policy (as amended 2018), and to note the development of a ‘Local Area Profile’.

**2. Recommendation/Proposed Action**

- a. The Committee is requested to recommend to Full Council that the Gambling Act 2005 Statement of Principles policy (as amended 2018) is adopted as the Council’s Gambling Policy.
- b. To note the development of a Local Area Profile in assisting Operators in preparing Local Risk Assessments.

**3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The review and consultation on the Statement of Principles for the Gambling Act 2005 is a statutory requirement that ensures that the Licensing Authority can carry out its functions under the 2005 Act.

**3a. Slough Joint Wellbeing Strategy Priorities –**

The Licensing Authority is responsible for administering all functions under the 2005 Act. In developing a Statement of Principles, the Licensing Authority must ensure that the ‘Licensing Objectives’ as set out in section 1 of the 2005 Act are promoted at all times.

A Local Area Profile, (which is optional for local authorities to have in place), has been developed to inform the new generation of gambling policies, against which all applications will have to be judged and completion by gambling operators of the review of local risks under the Social Responsibility Requirement “Assessing Local Risk” in Code 10.1.1 contained within the License Conditions and Codes of Practice (published January 2018) (“LCCP”) to produce and have in place a ‘Local Risk Assessment.’

The principle document used in developing the ‘Local Area Profile’ has been the Slough Joint Wellbeing Strategy and the Joint Strategic Needs Assessment (JSNA).

Both the revised Statement of Principles and the Local Area Profile contribute to the following wellbeing priorities:

Priorities:

1. Protecting vulnerable children
2. Increasing life expectancy by focusing on inequalities
3. Improving mental health and wellbeing

### **3b. Five Year Plan Outcomes**

The report outlines the requirement to conduct the review of the policy under the 2005 Act and the optional requirement for development of a Local Area Profile. In doing so this contributes toward the Five Year Plan with the specific outcomes of:

- Our children and young people will have the best start in life and opportunities to give them positive lives.
- Slough will be an attractive place where people choose to live, work and visit.
- Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

### **4. Other Implications**

#### **(a) Financial**

There are no financial implications of the proposed action.

#### **(b) Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
a. The Committee is requested to recommend to Full Council that the Gambling Act 2005 Statement of Principles policy (as amended 2018) is adopted as the Council’s Gambling Policy. b. To note the development of a Local Area Profile in assisting Operators in preparing Local Risk Assessments.	The Council will not be able to properly control gambling premises without the policies being fully reviewed.	The review and consultation are a statutory 3 yearly requirement.  The development of a Local Area Profile will assist Operators on preparing their Local Risk Assessments.

**(c) Human Rights Act and Other Legal Implications**

There are no direct Human Rights Act or other implications.

**(d) Equalities Impact Assessment**

The Equality Impact Assessment has been reviewed following the formal consultation and the conclusions are that there are no adverse or negative impacts on equality for one group or any other group.

**Supporting Information**

**5. Statement of Gambling Principles**

- 5.1 The Gambling Act 2005 placed the responsibility for the regulation of gambling on the Gambling Commission, and local authorities. In brief, the function of the Gambling Commission is to regulate the operators of gambling premises and to issue codes of practice and guidance. The functions of the Council are to: license premises for gambling activities; consider notices for temporary use of premises for gambling; grant permits for gaming and gaming machines in clubs and miners welfare institutes; regulate gaming and gaming machines in alcohol licensed premises; grant permits to family entertainment centres for the use of certain lower stake gaming machines; grant permits for prize gaming; consider occasional use notices for betting at tracks; and register small societies lotteries.
- 5.2 The Council is required under the Gambling Act to put in place a policy, which is called a Statement of Principles, which they propose to apply when exercising their functions under the Act. The Act requires that the policy is reviewed every three years. The policy has been fully reviewed this year and subject to the statutory consultation, and therefore must be adopted by 31<sup>st</sup> January 2019. The revised Statement of Principles has been based on and in accordance with the Gambling Commissions “Guidance to Licensing Authorities Guidance to Licensing Authorities” 5th edition (published September 2015) and Parts 17, 18 & 19 updated in September 2016.

This Statement is first and foremost subject to the three licensing objectives under the Gambling Act 2005, which are:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 5.3 The Gambling Act requires that there is a consultation on the draft Statement of Principles and a consultation was conducted between 3<sup>rd</sup> August 2018 and 14<sup>th</sup> September 2018. The consultation has included press releases, placing the draft ‘Statement’ with information about the consultation on the Council’s website and writing to the persons or organisations listed in *Appendix “D”* of the new draft policy and all elected member of this Council.
- 5.4 There has been two formal responses to the consultation and in light of that

the draft document has been amended to incorporate the comments and suggestions in the responses. All the original amendments prior to consultation and the amendments from the responses are highlighted in grey. The final draft document is attached at **Appendix A**.

- 5.5 The Committee is asked to recommend the adoption of the revised policy document to Full Council, following which the policy must be published locally and to take effect no later than 31<sup>st</sup> January 2019.

## **6. Local Area Profile**

- 6.1 With regards to the ‘Statement of Principles, the published Gambling Commission Guidance to Local Authorities highlighted that, licensing authorities should consider developing local area profiles, identifying, quantifying and mapping the vulnerabilities and other relevant features of their areas. Such profiles will then be used to inform the new generation of gambling policies, against which all applications will have to be judged and completion by gambling operators of the statutory required under Code 10.1.1 of the Social Responsibility Codes to produce and have in place a ‘Local Risk Assessment.’
- 6.2 The Local Area Profile has now been developed. The principle document used in developing the ‘Local Area Profile’ has been the Slough Joint Wellbeing Strategy and the Joint Strategic Needs Assessment (JSNA).
- 6.3 It is important for the Committee to note that there is no statutory need for any consultation on or formal approval by the Licensing Committee of the ‘Local Area Profile’, as they are optional for the Licensing Authority to develop in order to be used by and assist gambling operators when developing their own Local Risk Assessments. The Committee is asked to note the Slough Local Area Profile is attached at **Appendix B**.

## **7. Conclusion**

- a. The Committee is requested to recommend to Full Council that the Gambling Act 2005 Statement of Principles policy (as amended 2018) is adopted as the Council’s Gambling Policy.
- b. To note the development of a Local Area Profile in assisting Operators in preparing Local Risk Assessments.

## **8. Comments of Other Committee**

On 12<sup>th</sup> June 2018 the Licensing Committee resolved to:

- (a) That the ‘No Casino Policy’ lapse.
- (b) That the consultation exercise for the Gambling Act 2005 ‘Statement of Gambling Principles’ to commence.
- (c) That the development of a ‘Local Area Profile’ for inclusion in the new policy document be agreed.

**9. Appendices**

Appendix A – Statement of Principles – final draft

Appendix B – Local Area profile.

**10. Background Papers**

The current Gambling Act 2005 Slough Statement of Principles (2015).

Gambling Commission Guidance to Local Authorities (September 2015 as revised)

Formal response to consultation from Elizabeth Speed, Group General Counsel – Novomatic UK.

Formal response to consultation from Gosschalks Solicitors.

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Taking pride in our communities and town

## **SLOUGH BOROUGH COUNCIL**

### **Gambling Act 2005**

#### **Statement of Principles**



# Draft Statement of Principles – Gambling Act 2005

Document Number	04
Version Number	06
Date approved	November 2018
Effective	January 2019
Contact Officer	Mick Sims - Licensing Manager

Change History		
Version No	Date	Change Details
1.00	06/09/2015	Amendments made following consultation
2.00	15/09/2015	Approval by Legal services
3.00	30/09/2015	Amendments following approval by Licensing Committee
4.00	24/11/2015	Final – Approved by Full Council
5.00	27/07/2018	Amendments prior to consultation
6.00	20/09/2018	Amendments following consultation

Related Documents	
Document Title	Location
Gambling Act 2005	
Guidance to licensing authorities (GLA) (2015)	

If you have any further questions about this Policy or for further information, including applications forms please contact:

Licensing Manager  
Slough Borough Council  
Landmark Place  
High Street  
Slough  
SL1 1JL

Tel: 01753 875664  
Email: [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)

## **STATEMENT OF PRINCIPLES - Gambling Act 2005**

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## **PART A – Licensing Authority Functions, Relevant Parties, Local Area Profile & Local Risk Assessment**

### **1. Introduction**

1.1 Under section 349 of the Gambling Act 2005 (the Act) the licensing authority is required to publish a statement of the principles which they propose to apply when exercising their functions. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement of principles must then be re-published.

1.2 The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

Authorities may also consult with:

- Organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, such as public and mental health teams, and advocacy organisations (such as the Citizens Advice Bureau and trade unions)
- Local businesses
- Other tiers of local government (where they exist)
- Responsible Authorities

1.3 The Council consulted widely regarding the revised statement of principles from **INSERT DATE to INSERT DATE**. A list of those consulted on the revision of the statement of principles is attached at Appendix D.

1.4 This statement of licensing principles was prepared in 2018 and following consultation was approved by Full Council on the **INSERT DATE**. This new three year statement of principles was published on **INSERT DATE** and has effect from 31<sup>st</sup> January 2019. It will be published in the Councils website.

1.5 It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each application will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

## **2. Declaration**

2.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

## **3. The Licensing Objectives**

3.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

3.2 It should be noted that the Gambling Commission has stated: "*The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling*".

The Act provides for three categories of licence:

- Operating Licence
- Personal Licence
- Premises Licence

3.3 The Gambling Commission will responsible for issuing personal licenses and operating licenses. The licensing authority will be responsible for issuing premises licenses.

The Gambling Commission can be contacted at:

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Tel: 0121 230 6666

Fax: 0121 230 6720

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

- 3.4 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it is satisfied that the application is:
- In accordance with any relevant code of practice issued by the Gambling Commission
  - In accordance with any relevant Guidance issued by the Gambling Commission
  - Reasonably consistent with the licensing objectives and
  - In accordance with the authority's statement of licensing policy

**4. Slough's geographical area**

- 4.1 The Borough of Slough is located In the Thames Valley, 20 miles to the west of the centre of London and close to Windsor, Maidenhead and Reading. The Borough covers an area of 32.5 square kilometres. These areas are shown in the map at Appendix A.

Located along the M4 corridor, Slough is close to Heathrow Airport and is within easy access of the M40 which runs to the Midlands, the M1 which runs to the north and the M3 which runs to the south. Slough Town Centre is served by a Great Western mainline railway station from which the fastest journey time to London Paddington is 15 minutes.

The population of Slough is 149,400. It is a culturally diverse Borough with a range of communities. Slough is often described as a “fusion of different cultures.” There are strong Indian and Pakistani communities and more than a third of the population are from minority ethnic communities.

The Borough is heavily urbanised with residential and commercial areas. To the west of the Borough is the Slough Trading Estate, a large commercial area comprising approximately 672,274 square metres. There are entertainment venues comprising of public houses and nightclubs in Slough Town Centre and in suburban locations, where there are also members' clubs. There are betting shops in Slough Town Centre and in suburban locations. There are 2 amusement arcades in Slough Town Centre.

A map of the Slough and its wards is appended as Appendix 'A'.

**5. Local Area Profile and Local Risk Assessments**

- 5.1 All applicants for grants and variations of gambling premises licences must include full details of their Local Risk Assessments (LRA) as part of their applications. This is set out in the Social Responsibility Code 10.1.1 and Ordinary

Code Provision 10.1.2 which both took effect from 6<sup>th</sup> April 2016.

- 5.2 Applicants are expected to demonstrate how their operation will not cause harm or exacerbate issues of risk in light of the protection of children from harm and other vulnerable people should the proposed site be located near schools, any addiction treatment/help centres or medical facilities such as GP practices.
- 5.3 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities and have policies, procedures and controls in place to mitigate those risks.
- 5.4 Licensees must have regard to and take account of the Council's Statement of Principles policy and of the 'Local Area Profile' which details the statistics and data relating to demography, deprivation and poverty for all 15 of Slough's wards. This can be found in the JSNA document - <http://www.slough.gov.uk/council/joint-strategic-needs-assessment/>
- 5.5 Slough Borough Council's **Local Area Profile** ("LAP") and maps can be found at **INSERT WEB LINK** with information regarding crime statistics, and the demographics of the populace and other statistical information.
- 5.6 Applicants are expected to review all the information detailed in the LAP, as well as the data and statistics detailed in the JSNA when forming the local risk assessment. The LRA should be specific to each individual premise. The LRA should consider, as a minimum, the following;
- The location of children's services such as schools, playgrounds, leisure/community centres and other areas where children will gather.
  - The demographics of the area in relation to vulnerable groups.
  - Whether the premise is in an area subject to high levels of crime and/or disorder.
  - Local risk assessments should show how vulnerable people including those with gambling dependencies are protected.
- 5.7 Licensees are required to review their LRA to take into account significant changes of local circumstances and significant changes of the premises when applying for any variation.

## 6. Responsible Authorities

- 6.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

6.2.1 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.

**The Responsible Authorities are;**

- The Licensing Authority
- The Gambling Commission
- Thames Valley Police
- Royal Berkshire Fire and Rescue Service
- Planning and Development Control Services
- Environmental Health – (Neighbourhood Enforcement Services)
- Local Safeguarding Children's Board
- HM Revenue and Customs

6.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are listed on Slough Borough Council's website – [INSERT WEBLINK](#)

## 7. Interested parties

7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in s158 of the Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person

- 
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

7.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

The principles are:

7.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.9 to 8.17. It will also consider the Gambling Commission's Guidance that "has business

"interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 7.4 Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represent the Ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 7.5 In principle, the Council will allow any person to represent an interested party but it may ask for confirmation that the person genuinely represents the interested party. The Council will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' someone. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.
- 7.6 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Councils Committee and Member Service for advice.

## **8. Exchange of Information**

- 8.1 The licensing authority will act in accordance with the provisions of section 350 of the Act in its exchange of information with the Gambling Commission and the other persons listed in Schedule 6 of the Act; this includes a provision that the General Data Protection Regulation (GDPR) will not be contravened.
- 8.2 The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 8.3 Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.
- 8.4 Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **9. Enforcement**

- 9.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 9.2 This licensing authority's principles are that we will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
  - **Consistent:** rules and standards must be joined up and implemented fairly;
  - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
  - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 9.3 This licensing authority has adopted a risk-based inspection programme, based on;
- The licensing objectives
  - Any relevant codes of practice
  - Guidance issued by the Gambling Commission, in particular at Part 36
  - The principles set out in this statement of licensing policy
- 9.4 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.
- 9.5 The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not be dealt with by the licensing authority but should be notified to the Gambling Commission.
- 9.6 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive which is part of the Business, Energy and Industrial Strategy, in its consideration of the regulatory functions of local authorities.
- 9.7 Our general principles with regards to enforcement are informed by The Regulators' Code, the Enforcement Concordat and the Guidance of Regulatory Delivery as to how to apply these documents.
- 9.8 The six principles of the Regulators Code are:

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
  2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
  3. Regulators should base regulatory activities on risk.
  4. Regulators should share information about compliance and risk.
  5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
  6. Regulators should ensure that their approach to their regulatory activities is transparent.
- 9.9 Bearing in mind the principle of transparency, the Regulatory and Enforcement Services Enforcement Policy can be accessed at:  
<http://www.slough.gov.uk/council/strategies-plans-and-policies/regulatory-and-enforcement-services-enforcement-policy.aspx>
- 9.10 Or, upon request to the Licensing Team, Regulatory Services, Slough Borough Council, My Council, Landmark Place, High Street, Slough SL1 1JL or by email at [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)
- 10. Safeguarding – Protecting children and other vulnerable persons from being harmed or exploited.**
- 10.1 As per the Gambling Commission's Guidance for Licensing Authorities, this Licensing Authority expects operators of gambling premises to have in place policies and measures in protecting children and other vulnerable people from being harmed or exploited by gambling.
- 10.2 The efficiency of such policies and procedures will be considered on their own merits, however, they may include appropriate measures/training for staff as regards suspected truanting school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems.
- 10.3 This Authority will pay particular attention to measures proposed by operators to protect children from harm in premises licensed under the Gambling Act 2005. Such measures may include, but would not be limited to, the following:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas

- Specific opening hours
- Self-barring schemes
- Notices/signage
- Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation
- clear policies that outline the steps to be taken to protect children from harm;
- Provision of information leaflets/helpline numbers for organisations such as GamCare and GambleAware.

Some of the above are mandatory conditions under The Gambling Act 2005 (Premises Licenses and Provisional Statements) Regulations 2007.

- 10.4 This Authority will expect operators to fully comply with the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP) and the Social Responsibility Codes in relation to access for children into Gambling premises and their policies and procedures designed to prevent underage gambling, and how they monitor the effectiveness of these. The Social Responsibility Codes, part of the Gambling Commission's LCCP, can be found on the Gambling Commission's website.
- 10.5 The Gambling Commission advises in its Guidance for Licensing Authorities that Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling. In appropriate circumstances this Authority will consider the imposition of conditions requiring door supervisors at particular premises.
- 10.6 Larger operators are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. Operators are encouraged to also make the results available to licensing authorities, as far as is practicable.

## 11. Licensing Authority functions

- 11.1 Licensing Authorities are required under the Act to be responsible for:
- The licensing of premises where gambling activities are to take place by issuing **Premises Licences**
  - Issue **Provisional Statements**
  - Regulate **members' clubs and miners' welfare institutes** who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
  - Issue **Club Machine Permits to Commercial Clubs**
  - Grant permits for the use of certain lower stake gaming machines at **unlicensed Family Entertainment Centres**
  - Receive **notifications from alcohol licensed premises** (under the Licensing Act 2003) for the use of two or fewer gaming machines

- Issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
  - Register **small society lotteries** below prescribed thresholds
  - Issue **Prize Gaming Permits**
  - Receive and Endorse **Temporary Use Notices**
  - Receive **Occasional Use Notices**
  - Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
  - Maintain registers of the permits and licences that are issued under these functions
  - The exercise of its powers of compliance and enforcement under the 2005 Act in partnership with the Gambling Commission and other relevant responsible authorities.
- 11.2 It should be noted that the National Lottery is regulated by the National Lottery Commission, Remote Gambling is dealt with by the Gambling Commission and Spread Betting by the Financial Services Authority.

## **PART B - Premises Licences; Consideration of Applications**

## **12. General Principles**

- 12.1 Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State.
- 12.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:**
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission ;
  - reasonably consistent with the licensing objectives; and
  - in accordance with this authority's Statement of Licensing Policy
- 12.3 It is appreciated that as per the Gambling Commission's Guidance to Local Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – Section 12) and also that unmet demand is not a criterion for a licensing authority.
- 12.4 When making a decision about a new application the licensing authority will expect the applicant to have taken into consideration the impact of the application being granted, and to have put in place measures with regards, but not limited to:
- Schools, sixth form colleges, youth centres etc, with reference to the potential risk of underage gambling
  - The surrounding night time economy, and possible interaction with gambling premises
- 12.5 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.
- 12.6 This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 12.7 The Gambling Commission states in its Guidance to Licensing Authorities (updated September 2016) that: "*In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32*

*High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably.*

- 12.8 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”
- 12.9 This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- It is perfectly legal for children to take part in some limited gambling activities i.e. Category ‘D’ Machines.
  - The third licensing objective seeks to protect children from being harmed by gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
  - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
  - Customers should be able to participate in the activity names on the premises licence.
- 12.10 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates
  - Is the premises’ neighbouring premises owned by the same person or someone else?
  - Can each of the premises be accessed from the street or a public passageway?
  - Can the premises only be accessed from any other gambling premises
- 12.11 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.
- 13. The Gambling Commission’s relevant access provisions for each premises type are reproduced below:**

## **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

## **Betting Shops**

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

## **Bingo Premises**

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

## **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

- 13.1 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.
- 13.2 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 13.3 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 13.4 Deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-
  - First, whether the premises ought to be permitted to be used for gambling
  - Second, whether appropriate conditions can be put in place to cater for the

situation that the premises are not yet in the state in which they ought to be before gambling takes place.

- 13.5 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 13.6 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.56 -7.65 of the Guidance.
- 13.7 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making.
- 13.8 As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 13.9 This authority will have regard to the "Guidance":- 7.65 - When dealing with a premises licence application, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence.
- 13.10 Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.
- 13.11 This licensing authority seeks to **avoid any duplication** with other statutory /regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 13.12 When dealing with a premises licence application, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.
- 13.13 Premises licences granted must be reasonably consistent with the licensing

objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

#### **14. Premises plans (new applications and variations)**

- 14.1 New applications and variation applications must be accompanied by a plan of the premises. The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) states that a plan must show:
- the extent of the boundary or perimeter of the premises
  - where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
  - where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
  - where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
  - the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.
- 14.2 The Licensing Authority must establish if an application is 'in accordance with the relevant code of practice' and this will include social responsibility codes. It also needs to be determined whether the application is 'reasonably consistent with the licensing objectives'. Should the application and accompanying plan be insufficient to satisfy these requirements the applicant will be required to submit more information.
- 14.3 Applicants are advised for the following to be included on the premises plan:
- Location of service counter
  - Location of all self-service betting terminals

#### **15. Privacy screens around gaming machines**

- 15.1 A screen or pod around a gaming machine, designed for player privacy, should not stop premises staff from effectively monitoring gaming machine play. It is an operator's responsibility to ensure staff are able to effectively supervise gaming, as per the conditions of the operator licence. The licence conditions and code of practice (LCCP) state: '**Facilities for gambling must be offered in a manner which provides for appropriate supervision of those facilities by staff at all times'**.

- 15.2 Age verification, customer interaction and self-exclusion policies all require operators to take into account the structure and layout of their premises. Operators must be able to evidence how they have considered the risk to the licensing objectives and implemented effective controls.
- 15.3 Where operators are unable to demonstrate effective controls, the licensing authority will use regulatory powers to instruct the removal of any impediments to staff carrying out their responsibilities.
- 16. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 16.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime.
- 16.2 If an application is received regarding a premises located in an area noted for particular problems with organised crime, the licensing authority will work in partnership with the Police and other relevant bodies to consider whether specific controls need to be applied to the licence to help prevent premises becoming a source of crime. Such measures could include a condition requiring suitable numbers of door supervisors at the premises.
- 16.3 The licensing authority recognises the distinction between disorder and nuisance. Disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Fact the licensing authority will consider in determining whether a disturbance was serious enough to constitute disorder would include whether any Police assistance was required and how threatening the behaviour was to those who could see and hear it. Issues concerning nuisance cannot be dealt with by the Gambling Act, as there is other primary legislation in place to deal with such issues.
- 17. Ensuring that gambling is conducted in a fair and open way.**
- 17.1 This licensing authority will not be directly concerned with ensuring gambling being conducted in a fair and open way, as this will be addressed by the Gambling Commission through the operating and personal licensing regime.
- 17.2 Track operators will not be required to hold an operator's licence. The premises licence will contain requirements on the licence holder regarding his or her responsibilities to ensure gambling is conducted in a fair and open way within betting areas.
- 18. Protecting children and other vulnerable persons from being harmed or exploited by gambling -**
- 18.1 With very little exceptions the intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. This means

preventing them from taking part in gambling where such gambling would be illegal and placing restrictions on advertising so that gambling products are not aimed at, or are attractive to children.

- 18.2 In some limited cases children are legally permitted to gamble and the licensing authority will consider whether specific measures are required on certain premises to protect children. This may include:
- Segregation of gambling from areas used by children
  - Supervision of gambling machines in licensed family entertainment centres
- 18.3 The list is not exhaustive. Particular care will be taken on tracks where children are permitted on race days.
- 18.4 Any Codes of practice issued by the Gambling Commission will be considered by the licensing authority in relation to casinos and this licensing objective.
- 18.5 No specific definition of 'vulnerable persons' has been identified within the Act. The licensing authority may include, but not limited to;
- Those people who gamble more than they want; or
  - People who gamble beyond their means; or
  - People who cannot make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs as vulnerable people.
- 18.6 The licensing authority will consider licensing objectives on a case by case basis.

## **19. CONDITIONS**

- 19.1 All premises licensed under the Gambling Act 2005 are subject to mandatory and default conditions which are usually sufficient to ensure operation which is reasonably consistent with the licensing objectives.
- 19.2 Additional conditions may only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.
- 19.3 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
  - directly related to the premises and the type of licence applied for;
  - fairly and reasonably related to the scale and type of premises; and
  - reasonable in all other respects.
- 19.4 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence

types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

- 19.5 We will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 19.6 This authority will also ensure that where category A to C or above machines are on offer in premises to which children are admitted, other than premises licensed for the supply of alcohol under the Licensing Act 2003;
  - all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised;
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
  - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 19.7 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 19.8 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
  - any condition on the premises licence which makes it impossible to comply with an operating licence condition;
  - conditions relating to gaming machine categories, numbers, or method of operation;
  - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
  - conditions in relation to stakes, fees, winning or prizes.

## **20. Door Supervisors**

- 20.1 The Gambling Commission advises in its Guidance for Local Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young person's then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.
- 20.2 Where it is decided that supervision of entrances / machines is appropriate for

particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirement for different types of premises vary (as per the Guidance, Part 33).

## **21. Adult Gaming Centres**

- 21.1 When granting premises licenses for adult gaming centres the licensing authority will have regard to the licensing objectives. It expects applicants to offer their own measures to meet the objectives, in particular, the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds are not permitted to enter premises.
- 21.2 As a guide, section 26 of this policy details a number of what is considered appropriate measures and licence conditions that Operators may wish to consider having place.
- 21.3 The list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 21.4 The question of sub division of such premises has become an issue and been the subject of Gambling Commission Guidance. There must be no direct entry from one adult gaming centre into another. This Authority will take note of the Guidance issued in respect of such applications.

## **22. (Licensed) Family Entertainment Centres**

- 22.1 When granting premises licenses for licensed family entertainment centres, the licensing authority will have regard to the licensing objectives. It expect applicants to offer their own measures to meet the objectives, in particular the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 22.2 As a guide, section 26 of this policy details a number of what is considered appropriate measures and licence conditions that Operators may wish to consider having place.
- 22.3 The list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 22.4 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## **23. Casinos**

- 23.1 A resolution has been passed by Full Council that the 'No Casino' policy is to lapse. Should this licensing authority decide in future to pass such a further resolution, this Statement of Gambling Principles will be updated accordingly. Any such decision will be made by Full Council.

## **24. Bingo premises**

- 24.1 When granting premises licenses for licence for Bingo premises, the licensing authority will have regard to the licensing objectives. It expects applicants to offer their own measures to meet the objectives, in particular the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 24.2 As a guide, section 26 of this policy details a number of what is considered appropriate measures and licence conditions that Operators may wish to consider having place.
- 24.3 The list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 24.4 Following the Commissions guidance, if children are permitted to enter bingo premises where there are category C gaming machines or above, the licensing authority will ensure that:
- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access to the area where the machines are located
  - Only adults are admitted to the area where the machines are located
  - Access to the area where the machines are located is supervised
  - There are where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
  - At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 24.5 Regard will also be given to the suitability and layout of bingo premises when making their decision.

## **25. Betting premises**

- 25.1 When granting premises licenses for Betting Premises the licensing authority will have regard to the licensing objectives. It expects applicants to offer their own measures to meet the objectives, in particular, the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must

satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds are not permitted to enter premises.

- 25.2 As a guide, section 26 of this policy details a number of what is considered appropriate measures and licence conditions that Operators may wish to consider having place.
- 25.3 The list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 25.4 When granting premises licenses for adult gaming centres the licensing authority will have regard to the licensing objectives. It expects applicants to offer their own measures to meet the objectives, in particular, the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds are not permitted to enter premises.
- 25.5 Betting machines - This licensing authority will, follow the Gambling Commission's Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. Please refer to the **Summary of machine provisions by premises**:  
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-A-Summary-of-machine-provisions-by-premises.aspx>

## **26. Suggested appropriate measures and licence conditions.**

- Proof of age schemes – i.e. 'Think 21'
- CCTV
- Supervision of entrances and machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Measures / training for staff on how to deal with suspected truant school children on the premises
- All staff to produce a current Criminal Records Bureau disclosure which is approved by the Police
- Prepared plans of the premises
- Suitable public liability insurance
- Procedures to ensure public safety

## **27 Travelling Fairs**

- 27.1 A Travelling fair is defined as one that ‘wholly or principally’ provides amusements. Fairs falling within this definition will be permitted unlimited numbers of category D gaming machines provided the facilities for gaming amount to no more than an ancillary amusement.
- 27.2 Sites used for travelling fairs are limited to a maximum of 27 days per calendar year. If sites being used for this purpose straddle local authority areas, the licensing authority will work with the relevant authority to maintain a central log to ensure that statutory 27 day limit is not exceeded.

## **28. Provisional Statements**

- 28.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 28.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
  - expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- 28.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 28.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 28.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
  - they concern matters which could not have been addressed at the provisional statement stage, or
  - they reflect a change in the applicant’s circumstances.
- 28.6 In addition, the authority may refuse the premises licence (or grant it on terms

different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **29. Reviews**

- 29.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of principles.
- 29.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 29.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 29.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 29.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 29.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

- 29.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 29.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 29.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
  - the applicant for review (if any)
  - the Commission
  - any person who made representations
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs

## **PART C - Permits /Temporary & Occasional Use Notice**

### **30. Unlicensed family Entertainment Centres (UFEC)**

- 30.1 Where a premises does not hold a premises licence the operator may apply for a permit. The applicant must show the premises will be wholly or mainly used for the provision of gaming machines for use.
- 30.2 The licensing authority shall have regard to the guidance by the Gambling Commission in respect of permits for unlicensed FECs.
- 30.3 Only category D machines are allowed to be available for use on a permit.
- 30.4 The Chief Officer of Police will be consulted on the receipt of an application for a permit.
- 30.5 Before being granted a permit the applicant will need to demonstrate:
  - A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
  - That they have no relevant convictions as detailed in the Act
  - Staff are trained to have a full understanding of the maximum stakes and prizes, and
  - How they will deal with children protection issues.
- 30.6 Given that the premises will particularly appeal to children and young persons, in considering applications, the licensing authority will give weight to child protection issues.
- 30.7 Consideration of the suitability of applicants for this type of permit will follow the guidance issued by the Gambling Commission.
- 30.8 The Council cannot attach conditions to this type of permit.
- 30.9 Once granted the permit last for 10 years, unless it is surrendered or forfeited.
- 30.10 Statement of Principles: This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect all measures as outlined in (18.5 above) to be fully demonstrated.

## **31. Clubs & Premises with an alcohol licence**

- 31.1 It is an offence to provide gambling facilities without the relevant operating licence and premises licence unless the activity is subject to an exception. Part 12 of the Act provides that, in clubs and premises with an alcohol licence, certain gaming (including poker) is exempt, subject to stakes and prize limitations or, if appropriate permissions are held, then there can be unlimited stakes and prizes.
- 31.2 Gaming of this type is usually provided in clubs and premises with an alcohol licence and is subject to specific conditions and codes of practice. S.279-284 of the Act only applies to premises in respect of which an on sales/supply -premises alcohol licence is held. It is important to remember that gambling must remain ancillary to the main purpose of the premises and the exemptions and permits are reliant on the premises holding a valid alcohol licence.
- 31.3 A full summary of gaming entitlements for alcohol licensed premises can be found at; <http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-C-Summary-of-gaming-entitlements-for-clubs-and-alcohol-licensed-premises.aspx>

## **32. Removal of exemption for alcohol licensed premises**

- 32.1 The Licensing Authority can remove the automatic authorisation for exempt gaming in respect of any particular alcohol licensed premises by making an order under s.284 of the Act (see also Part 26). That section provides for the licensing authority to make such an order if:
- provision of the gaming is not reasonably consistent with the pursuit of the licensing objectives
  - gaming has taken place on the premises that breaches a condition of s.279 – for example, the gaming does not abide by the prescribed limits for stakes and prizes, a participation fee is charged for the gaming or an amount is deducted or levied from sums staked or won
  - the premises are mainly used for gaming
  - an offence under the Act has been committed on the premises.
- 32.2 Such an order could be used by the Licensing Authority where, for example, poker is being offered in alcohol licensed premises that consistently breaches the prescribed limits on stakes and prizes, participation fees are being charged for the poker, amounts are deducted from stakes or winnings, or poker (and other gaming) is the main activity offered on the premises.

### **33. Alcohol Licensed Premises Gaming Machine Permits**

- 33.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and or D.
- 33.2 These premises merely need to only notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular if:
- Provision of machine is not reasonably consistent with the pursuit of the licensing objectives.
  - Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005 (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant Code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with).
  - The premises are mainly used for gambling: or
  - An offence under the Gambling Act has been committed, and “*such matters as they think relevant*”.

### **34. Permit; 3 or More Machines**

- 34.1 If a premises wishes to have more than 2 machines, then it needs to apply for permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under section 25 of the Gambling Act 2005, and “such matters as they think relevant”.
- 34.2 The licensing authority considers that “*such matters*” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 34.3 Measures that will satisfy the authority that there will be no access may include:
- The adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
  - Providing notices and signage.
  - Providing information leaflets or helpline numbers for organisations such as Gamcare or gambler Anonymous.
- 34.4 This list is not mandatory, nor exhaustive. It is an example of possible measures.

- 34.5 An alcohol licensed premises may apply for a licence for their non-alcohol licensed areas. Such an application would need to be for an Adult gaming Centre premises licence.
- 34.6 The licensing authority can grant the application with a smaller number of gaming machines and or different categories than that applied for. The licensing authority however, cannot attach any other types of conditions.
- 34.7 The holder of a permit must comply with any Codes of practice issued by the gambling Commission about the location and operation of the gambling machines.
- 34.8 The licensing authority will cancel a permit if the holder fails to pay the annual fee, unless the failure is a result of an administrative error.

## **35. Prize Gaming Permits**

- 35.1 The following may provide Prize Gaming:
  - Bingo premises as a consequence of their Bingo Operating licence.
  - Adult gaming Centres and licensed Family Entrainment Centres.
  - Unlicensed Family Entertainment Centres may offer equal chance prize gaming under a gaming machine permit.
  - Travelling fairs without a permit, as long as none of the gambling facilities at the fair amount to more than an ancillary amusement.

Children and young people may participate in equal chance gaming only.
- 35.2 Statement of Principles: The Gambling Act 2005 states that a licensing authority may “prepare a Statement of Principles that they propose to apply in exercising their functions under this schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.
- 35.3 The licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
  - That they understand the limits to stakes and prizes that are set out in Regulations.
  - That the gaming offered is within the law.
  - Clear policies that outline the steps to be taken to protect children from harm.
- 35.4 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act, Schedule 14 paragraph 8(3))

35.5 There are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

## **36. Club Gaming and Club Machines Permits**

36.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide;

- Up to 3 machines of categories B, C or D
- Equal chance gaming
- Games of chance as set-out in forthcoming regulations.

36.2 A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

36.3 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its member equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

36.4 The Commission Guidance also states that "licensing authorities may only refuse an application on the grounds that:

- (a) The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) The applicant's premises are used wholly or mainly by children and/or young persons;
- (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

- (d) A permit held by the applicant has been cancelled in the previous ten years; or
- (e) An objection has been lodged by the Commission or the police.

- 36.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 36.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- 36.7 Once granted a permit lasts for 10 years, unless it is surrendered or forfeited.

**37. Summary of gaming machine provisions by premises -**

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-A-Summary-of-machine-provisions-by-premises.aspx>

**38. Temporary Use Notices**

- 38.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
- 38.2 The licensing authority will accept applications of Temporary Use Notices for premises subject to the criteria stated in the legislation and guidance.
- 38.3 Premises are limited to a maximum 21 days of temporary gambling activities per month period, taken as per calendar year, and may be made up of several notices up to the maximum.
- 38.4 The applicant must give notice to the licensing authority at least 3 months and 1 day notice of the activity taking place.
- 38.5 Copies of the notice must be sent by the applicant to:
- The Gambling Commission

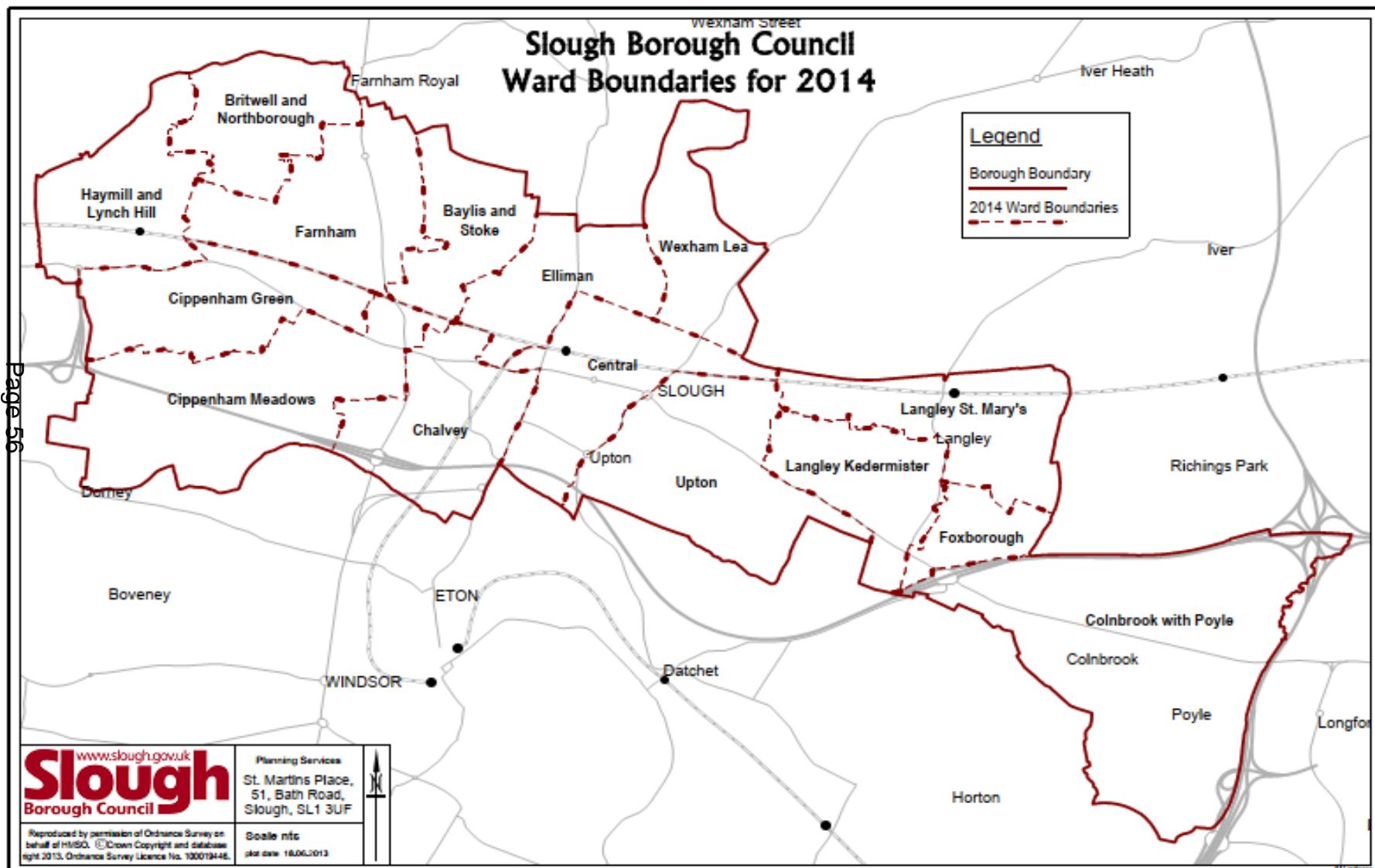
- The Chief Officer of Police of Thames Valley Police
- HM revenue and Customs, and if applicable
- Any other licensing authority in whose area the premises are situated

38.6 The licensing authority will keep a public register of Temporary Use Notices endorsed to ensure the limits are not being exceeded.

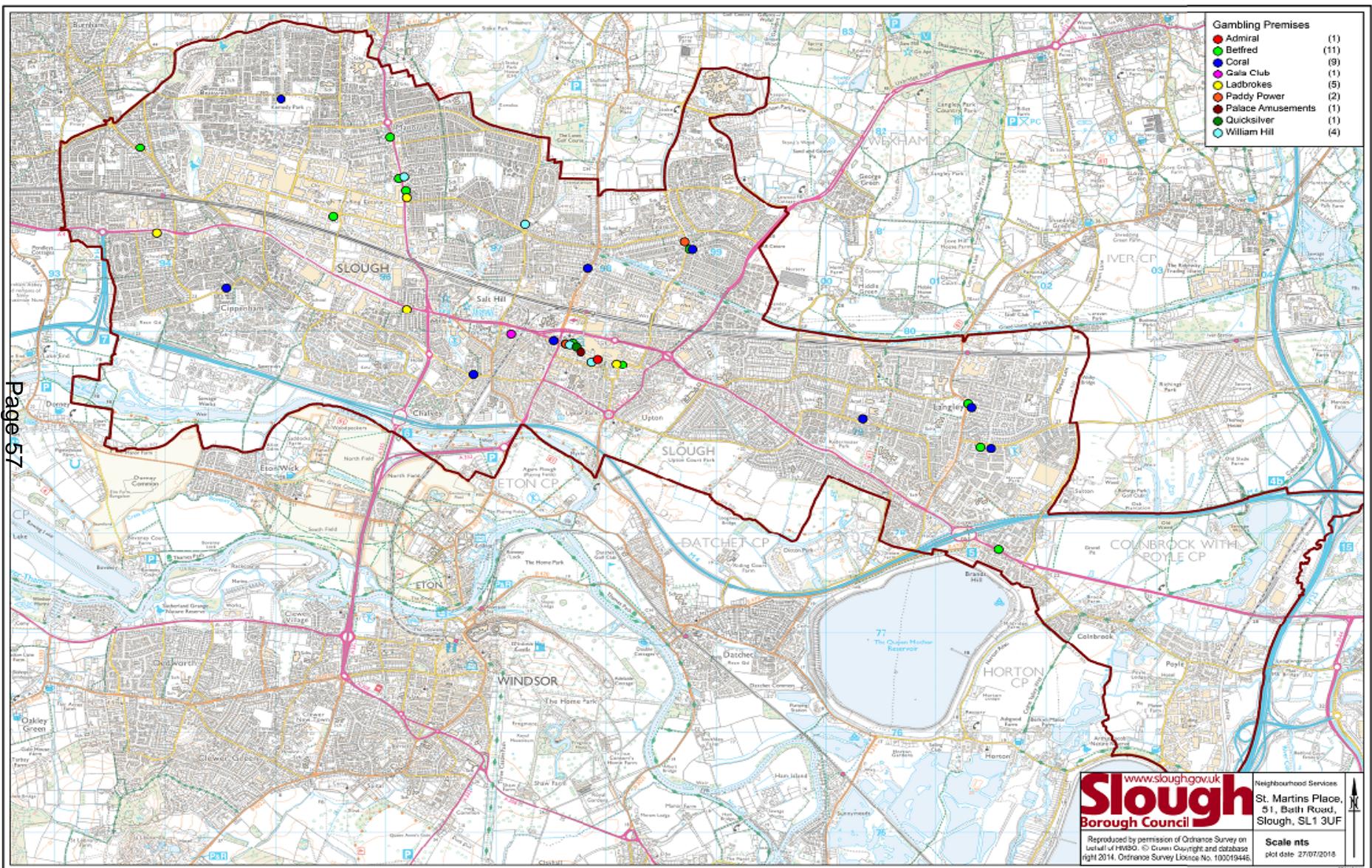
### **39. Occasional Use Notices**

- 39.1 The licensing authority will accept applications of Occasional Use Notices subject to the criteria stated in the legislation and guidance. These notices are to be used for occasional betting activities on tracks.
- 39.2 Tracks are limited to a maximum 8 days of temporary activities per 12 month period, taken as per calendar year, and may be made up of several notices up to the maximum.
- 39.3 The licensing authority will keep a public register of Occasional use Notices endorsed to ensure the limits are not being exceeded.
- 39.4 The licensing authority will give notice of objection if having regard to the licensing objectives it considers that the gambling should not take place, or can only take place with modifications.

## Appendix A



## Appendix B





## APPENDIX C

### Summary of Licensing Authority Delegations Permitted under The Gambling Act 2005

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Approval of three year Statement of Principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for Premises Licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received and not withdrawn	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of a Premises Licence		X	
Application for club gaming / club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / objections have been withdrawn
Cancellation of club gaming / club machine permits		X	
Applications for other permits			X
Cancellation of licensed Premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to be temporary use notice		X	

'X' - Indicates the lowest level to which decisions can be delegated

## **APPENDIX D**

### **List of Consultees**

Chief Constable of Thames Valley Police  
Royal Berkshire Fire & Rescue Service  
Association of British Bookmakers  
Lotteries Council  
British Amusement Catering Trade Association  
British Casino Association  
Remote Gambling Association  
Bingo Association  
British Horseracing Board  
Advertising Association  
Department for Culture, Media and Sport (DCMS)  
Gamcare  
Age UK  
Thames Valley Chamber of Commerce  
British Beer and Pub Association  
BIIAB  
Frimley Health NHS Foundation Trust  
Slough Council for Voluntary Service  
East Berks Primary Care Trust  
Slough Faith Partnership  
Slough Business Community Partnership  
Slough Children's Trust Board  
Betfred  
Coral  
Gala leisure  
Paddy Power  
Ladbrokes  
Novomatic (Quick Silver)  
William Hill  
Palace Amusements  
All licensed premises/clubs with authorisation for the sale/supply of alcohol  
Director of Adults and Communities  
Town Centre Management  
Economic Growth & Enterprise Manager  
LADO  
Britwell Parish Council  
Colnbrook parish Council  
Wexham Parish Council  
Community Safety Manager  
SBC Communities and Leisure  
Pubwatch

*In addition, responses to the consultation were invited by press releases to local newspapers and radio stations.*

## Gambling Act Glossary - APPENDIX E

<b>Adult Gaming Centres</b>	Adult Gaming Centres (AGCs) are a new category of Premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence and must seek a Premises licence from the Licensing Authority. They will be able to make category B, C and D gaming machines available to their customers.
<b>Betting Premises</b>	The Act contains a single class of licence for betting Premises. Within this single class of licence there will be different types of Premises which require Licensing, such as off course betting, tracks and betting offices on tracks.
<b>Bingo</b>	<p>It is to have its ordinary and natural meaning - no definition is included in the Act.</p> <p>Two types of Bingo can be offered.</p> <p>Cash bingo - where the stakes paid made up the cash prizes that were won; or</p> <p>Prize bingo - where various forms of prizes are won and are not directly related to the stakes paid.</p>
<b>Casinos</b>	<p>A Casino is an arrangement whereby people are given an opportunity to participate in one or more Casino games.</p> <p>The Act defines Casino games as a game of chance which is not equal chance gaming.</p>
<b>Customer Lottery</b>	A lottery run by occupiers of a business for the benefit of the customers who buy tickets sold on the Premises (e.g. supermarket holding a hamper raffle).
<b>Exempt Lottery</b>	<p>Incidental non-commercial lotteries</p> <p>Private Lotteries</p> <p>Customer Lotteries</p> <p>Small Society Lotteries</p>
<b>Gambling Act 2005</b>	The Act gives effect to the Government's proposals for reform of the law on gambling. The Act contains a new regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and Spread Betting. It received royal assent on 7 April 2005.
<b>Gambling Commission</b>	Established 1 <sup>st</sup> October 2005. It has taken over from the Gaming Board for Great Britain relating to gaming and certain lotteries. It will take on its full range of Licensing functions in 2007.
<b>Gaming Machines</b>	Covers all machines on which people can gamble on. Category of machine and where they can be situated are contained in Appendix F.

<b>Incidental Non-Commercial Lottery</b>	Lottery that is run as an additional amusement at non-commercial events with tickets sold only during the event, such as a raffle at a dance or church fair.
<b>Licensed Family Entertainment Centre</b>	The Act creates two classes of family entertainment centres (FEC). Licensed FECs provide category C and D machines and require a Premises licence.
<b>Lotteries</b>	It is unlawful to run a lottery unless it is in accordance with an operating licence issued by the Gambling Commission or it is an exempt lottery.
<b>Occasional Use Notices</b>	Section 39 of the Act provides that where there is a betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full Premises licence.
<b>Off course betting</b>	Betting that takes place other than at a race track.
<b>Private Lottery</b>	Lottery that requires membership of a society, place of work or single residential unit (e.g. raffle at a student hall of residence).
<b>Small Society Lottery</b>	Non-commercial societies if it is established and conducted: <ul style="list-style-type: none"> <li>• For charitable purposes</li> <li>• For the purposes of enabling participating in, or of supporting, sport, athletics or a cultural activity; or</li> <li>• For any other non-commercial purpose other than private gain.</li> </ul>
<b>Temporary Unit Notices</b>	These allow the use of Premises for gambling where there is no Premises licence but where a gambling operator wishes to use the Premises temporarily for providing facilities for gambling. Premises which might be suitable for temporary use notices would include hotels, conference centres and sporting venues.
<b>Track</b>	Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks both in the form of pool betting (often known as the “totalisator” or “tote”) and also general betting, often known as “fixed-odds” betting.
<b>Travelling Fairs</b>	A travelling fair is one that “wholly or principally” provides amusements and they must be on a site that had been used for fairs for no more than 27 days per calendar year.  No permit is required for gaming machines, but they must comply with age restrictions.
<b>Unlicensed Family Entertainment Centres</b>	Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

## **APPENDIX F**

### **RESPONSIBLE AUTHORITIES and LOCAL NEWSPAPERS** **GAMBLING ACT 2005 Section 157**

#### **1. THE LICENSING AUTHORITY**

My Council,  
Landmark Place,  
High Street  
Slough  
SL1 1JL  
Tel - 01753 875664  
Fax- 01753 875221  
[licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)

#### **2. THE GAMBLING COMMISSION**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

#### **3. THAMES VALLEY POLICE**

Licensing  
HQ South  
165 Oxford Road  
Kidlington  
OX5 2NX  
Tel - 01865 846584

#### **4. ROYAL BERKSHIRE FIRE AND RESCUE SERVICES**

Slough Community Fire Officer  
The Fire Station  
124 London Road  
Slough  
SL3 7HS  
Tel - 01753 547997  
Fax - 01753 547871

#### **5. PLANNING AND DEVELOPMENT CONTROL SERVICES**

Slough Borough Council  
St Martins Place  
51 Bath Road  
Slough  
SL1 3UF

#### **6. ENVIRONMENTAL HEALTH (NEIGHBOURHOOD ENFORCEMENT SERVICES)**

Slough Borough Council  
St Martins Place  
51 Bath Road  
Slough  
SL1 3UF

## **7. LOCAL SAFEGUARDING CHILDREN'S BOARD**

Slough Borough Council

St Martins Place

51 Bath Road

Slough

SL1 3UF

Tel - 01753 872901

## **8. HM REVENUE AND CUSTOMS**

Portcullis House

21 India Street

Glasgow

G2 4PZ

## **LOCAL NEWSPAPERS CIRCULATING IN SLOUGH**

Applicants must advertise the applications (where applicable) in one of the following newspapers:

### **Slough and Langley Observer**

Observer Group

Upton Court

Datchet Road

Slough

SL3 7NR

Tel – 01753 523355

### **Slough Express**

487 Ipswich Road

Slough

SL1 4EP

Tel – 01753 825111



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## **APPENDIX B**

### **SLOUGH BOROUGH COUNCIL**

#### **GAMBLING ACT 2005**

#### **LOCAL AREA PROFILE & LOCAL AREA RISK ASSESSMENTS**

##### **Introduction – The Profile of Slough**

The Borough of Slough is located in the Thames Valley, 20 miles to the west of the centre of London and close to Windsor, Maidenhead and Reading. The Borough covers an area of 32.5 square kilometres. These areas are shown in the map at **Appendix A**.

Located along the M4 corridor, Slough is close to Heathrow Airport and is within easy access of the M40 which runs to the Midlands, the M1 which runs to the north and the M3 which runs to the south. Slough Town Centre is served by a Great Western mainline railway station from which the fastest journey time to London Paddington is 15 minutes.

The population of Slough is 149,400. It is a culturally diverse Borough with a range of communities. Slough is often described as a “fusion of different cultures.” There are strong Indian and Pakistani communities and more than a third of the population are from minority ethnic communities.

The Borough is heavily urbanised with residential and commercial areas. To the west of the Borough is the Slough Trading Estate, a large commercial area comprising of approximately 672,274 square metres.

A map of the Borough of Slough is appended as **Appendix “A”**.

There are entertainment venues comprising of public houses and nightclubs in Slough Town Centre and in suburban locations, where there are also members' clubs. There are betting shops in Slough Town Centre and in suburban locations. There are 2 amusement arcades in Slough Town Centre.

A map of the locations of all premises in Slough licensed under the Gambling Act 2005 is appended as **Appendix “B”**.

##### **Local Area Risk Assessments – Operators**

The Gambling Commission introduced new provisions in its Social Responsibility Code within the Licence Conditions and Codes of Practice, which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate the risks. This provision came into force on 6th April 2016 and is set out in the Social Responsibility Code 10.1.1 and Ordinary Code Provision 10.1.2.

## APPENDIX B

Slough Council has produced this Local Area Profile (LAP) to assist gambling operators in undertaking and preparing their Local (premises) Area Risk Assessment (LRA).

This Local Area Profile provides details and statistical information that the Licensing Authority considers relevant and should be considered by licensees and gambling operators along with relevant matters identified in the Licensing Authority's Statement of Principles Policy when assessing and making their Local Risk Assessments. The statistical information and the demographics of the populace is contained in the Slough Borough Council 'Joint Strategic Needs Assessment' (JSNA) as well as other important information and links as detailed in **Appendix C**.

This Local Area Profile will be maintained as a separate document to the Licensing Authority's Statement of Principles Policy to allow for continual review and giving the ability to immediately respond to local changes.

The Local Area Profile is based on information and applicants are expected to review all the information and links detailed in this Local Area Profile, as well as the data, statistics and demographic of the populace detailed in the JSNA when forming the local risk assessment. The LRA should be specific to each individual premise. The LRA should consider, as a minimum, the following;

Operators will need to consider the types of premises and their operation in the local area surrounding the premises in relation to the local profile that the Licensing Authority considers are sensitive premises, these include, but limited to:

- The location of children's services such as schools, playgrounds, leisure/community centres and other areas where children will gather.
- The demographics of the area in relation to vulnerable groups.
- Whether the premise is in an area subject to high levels of crime and/or disorder.
- Local risk assessments should show how vulnerable people including those with gambling dependencies are protected.

If an operator intends to apply for a new premises licence or a variation to a premises licence then a LRA must be carried out. The assessment should be based on how the premises are proposed to operate and will need to identify the risk factors associated with the local area in which the premises are located. These factors are risks that relate to the potential impact a gambling premise and its operation may have on the licensing objectives, considerations for operators are also identified in the Licensing Authority Statement of Principles Policy.

## APPENDIX B

Operators are required to review their LRA if significant changes in local circumstances occur. The following lists sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

When preparing an application to vary the premises licence the operator must undertake a review of the LRA and update it as necessary. Operators submitting a variation application to the Licensing Authority should provide a copy of the reviewed LARA when submitting the application.

An operator will need to consider risks in relation to how the premises will be or is run. Identification of risks associated with these elements will be dependent on the type of premises and the local area. Elements to be considered should include:

- How the gambling operation will relate to how the operator conducts its business
- What gambling products it provides in the premises
- The facilities to enable gambling within the premises
- The staffing levels within the premises
- The level and requirement for staff training
- Whether loyalty or account cards are used or not
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP
- The security and crime prevention arrangements it has in place
- How it advertises locally and on the premises
- The marketing material within the premises
- The display and provision of information, etc.

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. The design of the premises is an important factor when considering local risks. Premises which are located within an area which has a high number of children and young people present

## **APPENDIX B**

throughout the day may identify that the standard external design is not appropriate. Control measures to mitigate the risk of attracting children to gambling or gaining access to restricted premises will need to be considered.

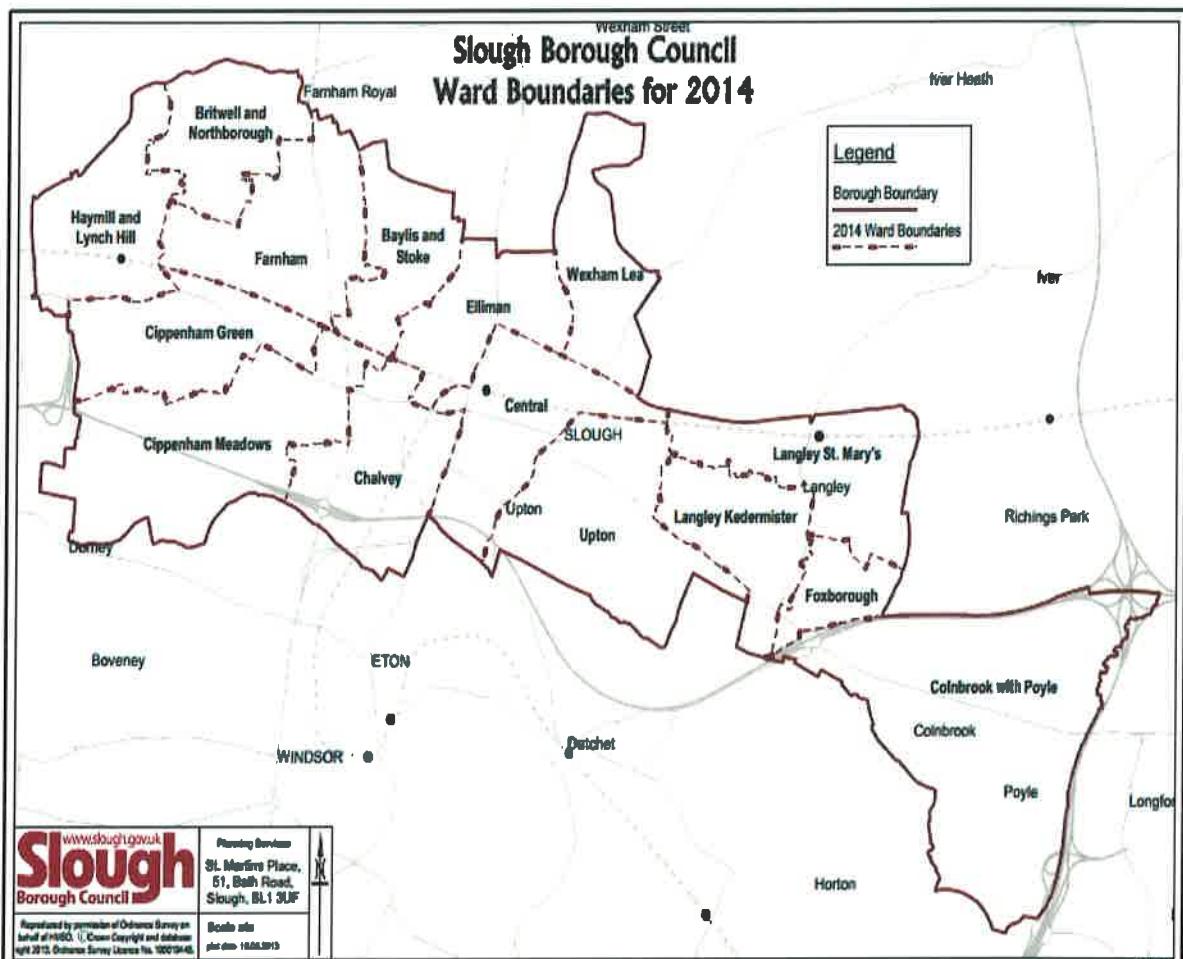
Risks to be considered may include:

- Whether the premises allows a direct line of sight of gaming machines from the cashier counter.
- Whether the premises sufficiently covered by CCTV to enable the identification of offenders.
- Whether the premises windows are screened or covered to obscure the interior of the premises.
- What age verification policies are in place, i.e. 'Think 21'
- Provision of magnetic door locks.

Operators will be expected to identify the local risk factors surrounding the premises, which will differ from location to location. The Licensing Authority will consider the assessment and assess the risks identified and the measures implemented to mitigate those risks when a completed assessment is provided with a new application or with a variation application. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local concerns.

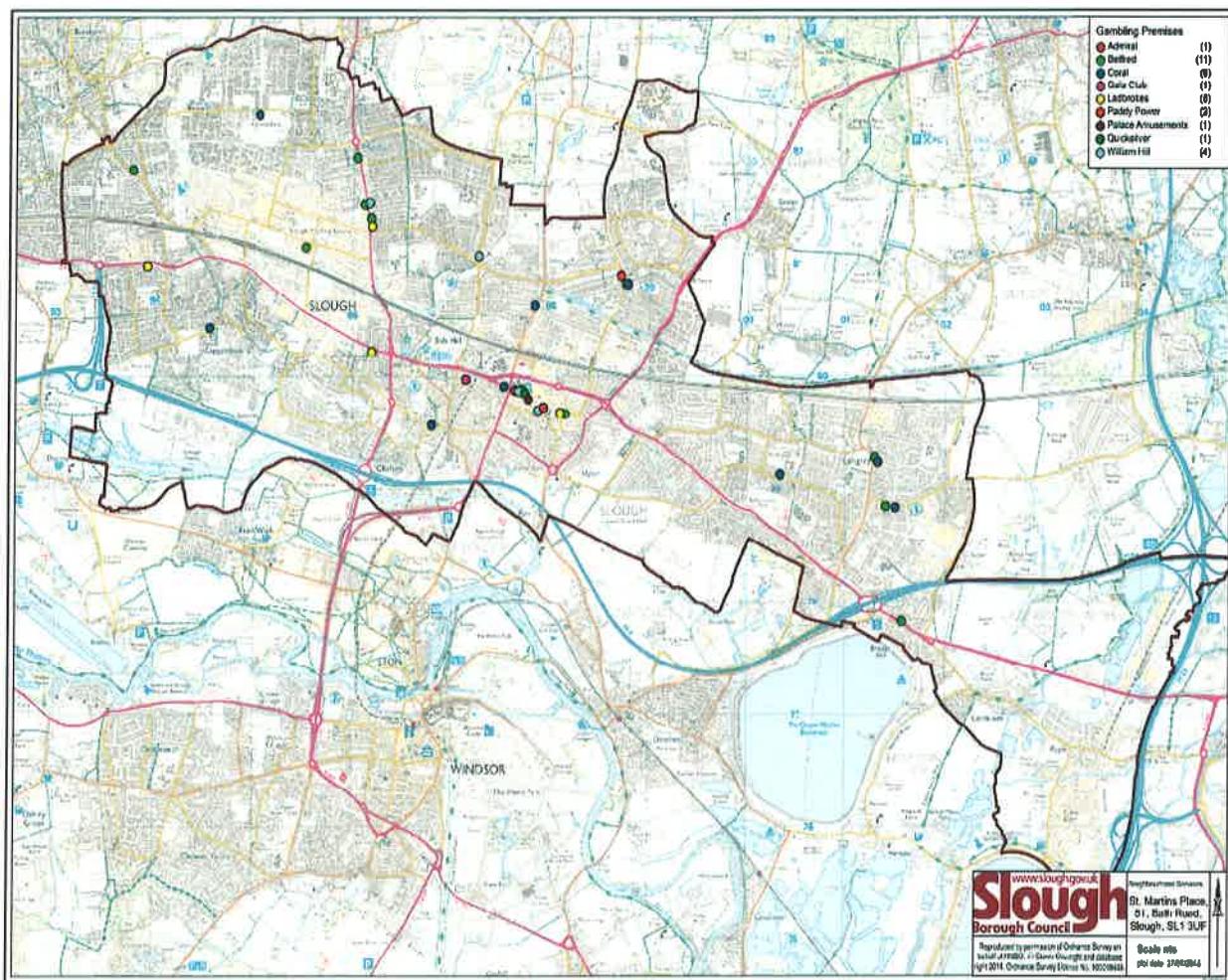
## APPENDIX B

## APPENDIX A



## APPENDIX B

## APPENDIX B



## APPENDIX B

## APPENDIX C

**The below information is available for operators of gambling premises when completing each individual Local Area Risk Assessment.**

1. Slough Borough Council 'Joint Strategic Needs Assessments':

The 15 Slough ward profiles gives data on a range of topics and includes, demography, deprivation, poverty, access to services, economy, enterprise, education, health and community safety.

<http://www.slough.gov.uk/council/joint-strategic-needs-assessment/>

2. List of educational establishments in Slough:

<http://www.slough.gov.uk/downloads/Schools-List-July-2018.pdf>

3. Thames Valley Police hot spot maps for the following crime in Slough:

- All theft offences
- Anti-social behaviour
- Shoplifting
- Substance misuse
- Theft (excluding) Shop lifting

4. Official labour market statistics

<https://www.nomisweb.co.uk/reports/localarea?compare=1946157286>

5. Office of National Statistics - Dwellings, household spaces and accommodation type

<https://www.nomisweb.co.uk/census/2011/KS401UK/view/1946157286?cols=measures>

6. Gambling statistics – The Health Survey for England report on a regional basis:

<https://fingertips.phe.org.uk/search/gamble#page/0/gid/1/pat/15/par/E92000001/ati/6/are/E12000008>

<https://fingertips.phe.org.uk/search/gamble#page/6/gid/1/pat/15/par/E92000001/ati/6/are/E12000008/iid/92418/age/164/sex/4>

<https://fingertips.phe.org.uk/search/gamble#page/6/gid/1/pat/15/par/E92000001/ati/6/are/E12000008/iid/92422/age/164/sex/4>

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee      **DATE:** 18<sup>th</sup> October 2018

**CONTACT OFFICER:** Michael Sims – Licensing Manager  
**(For all Enquiries)** (01753) 477387  
Ginny de Haan – Service Lead – Regulatory Services  
(01753) 447912

**WARD(S):** ALL

**PART I**  
**FOR INFORMATION**

**THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018**

**1. Purpose of Report**

To inform the Committee of changes to animal licensing introduced through the new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

**2. Recommendation(s)/Proposed Action**

The Committee is requested to note the report.

**3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 has replaced a number of existing pieces of animal licensing legislation and reduces the regulatory burden on businesses and operators by having in place national standards and conditions, rather than locally approved standards.

**3a. Slough Joint Wellbeing Strategy Priorities**

The new animal welfare licensing regulations will contribute to and support the Slough Joint Wellbeing Strategy priority:

Priority: 1. Protecting vulnerable children

**3b. Five Year Plan Outcomes**

The new animal welfare licensing regulations will contribute to the 5 Year Plan outcomes of:

1. Slough will be an attractive place where people choose to live, work and visit.
2. Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

#### **4. Other Implications**

##### **(a) Financial**

The duration of licenses under the new animal licensing legislation and the types of licensable activities will depend on a risk rating, with some licences being granted for a longer period than others and some of our existing licensees may not be suitable for licensing under the new legislation, which could reduce licence fee revenue – although this in turn would reduce administration and costs incurred by the Council. In addition to this, there may be an increase in the number of licences that are granted as the threshold for requiring a licence will be reducing, and increased enforcement powers could lead to more businesses being identified.

##### **(b) Risk Management**

Recommendation from section 2 above	Risks/Threats/Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
The Committee is requested to note the report.	The current animal licensing legislation will be rescinded to reduce the regulatory burden on businesses and operators, with a risk rating process to grant and issue licenses for 1 to 3 years rather than the current system of renewing licenses annually.	Current varied legislation.	2	New animal welfare licensing regulations to reduce regulatory burden on current and new businesses and operators.

##### **(c) Human Rights Act and Other Legal Implications**

###### **1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:**

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(d) Equalities Impact Assessment

An Equality Impact Assessment has not been conducted as this is primary legislation and applies nationally to all local authorities in England and Wales.

5. Supporting Information

- 5.1 The Council is at present responsible for the licensing and regulation of a variety of animal-related businesses, as well as the keeping of specified dangerous animals by individuals.

The licence types currently issued by the Council are:

- **Animal boarding establishment licences** (for businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders, pet day care)
- **Dog breeding establishment licences** (premises used for, or in connection with, the commercial breeding of dogs)
- **Pet shop licences** (any business which keeps animals with a view to selling them as pets)
- **Riding establishment licences** (premises which keep horses and ponies for hire for riding, or for riding tuition – excluding livery stables)
- **Zoo licences and Dangerous Wild Animal licences** can also be granted however, these will continue to be covered by their own specific legislation.

- 5.2 The current number of licences issued by Slough Borough Council are as follows:

- 1 x Animal boarding establishment licences (including home boarding and day care)(duration: one calendar year, expiry 31 December each year)
- 1 x Pet shop licences (duration: one calendar year, expiring 31 December each year)
- 0 x Riding establishment licences (duration: one year, expiry on anniversary of grant)
- 0 x Dog Breeding licences duration: one year, expiry on anniversary of grant)

- 5.3 Numerous pieces of primary and secondary legislation regulate the six licence types set out in paragraph 5.1. Also, as adoption of conditions and implementation of processes have historically been left to the discretion of individual licensing authorities, requirements as to how to apply for licences and comply with locally set conditions vary widely, which, for businesses that operate in a number of areas, can cause uncertainty and confusion. In addition, currently all types of licence are standalone, so a business that offers two or more of the licensable activities (for example a pet shop that also offers accommodation for dogs and cats while their owners are away) would have to apply for both a pet shop and animal boarding establishment licence, with the additional expenditure incurred.

- 5.4 The Animal Welfare Act 2006 has since introduced additional legislation, which overrides past provisions. Included in the Act was a new licensing power which enabled nationally set regulations to be made for any animal-related activities which had been specified in secondary legislation. As a result, The Animal Welfare (Licensing Of Activities Involving Animals)

(England) Regulations 2018 were published earlier this year, which will significantly change the way animal related businesses are inspected and licensed. The implementation date for the new regulations was 1<sup>st</sup> October 2018.

- 5.5 Draft guidance on procedures was published in July 2018, and is, at the time of writing this report, subject to further revision. It should therefore be stressed that there could be minor changes to the processes set below. If a final guidance has been published by the date of the Committee, officers will update on any changes.

## **6. FORTHCOMING CHANGES**

- 6.1. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 define the animal based activities that require licences as follows:
- Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.
  - Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business.
  - Hiring out horses in the course of a business for either riding, instruction in riding, or both.
  - Breeding three or more litters of puppies in any 12-month period; or breeding dogs and advertising a business of selling dogs.
  - Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes, either to any audience attending in person, or by the recording of visual images of them by any form of technology, or both.
- 6.2. The first significant change is that all five types of licence, will be encompassed by one new 'Animal Activity licence'. If an applicant is running more than one licensable animal related activity, each activity will be assessed separately and set out in one licence. The length of licence (previously one year in most cases) may be anything between one and three years dependent on the outcome of their inspection, and the type of licence (See paragraph 7.3).
- 6.3. As stated earlier in the report, all existing arrangements included locally set conditions. The new provisions contain nationally set conditions and regulations for each animal based activity, which cannot be changed in any way and form the basis for conditions on the new licences going forward.
- 6.4 The new regulations comprise of a set of general conditions in respect of matters such as record keeping, types and numbers of animals, staffing, maintaining a suitable environment and diet, monitoring behaviour, handling of the animals, protecting the animals from pain, suffering, injury and disease and dealing with emergencies. Each specific animal activity then has its' own set of more detailed requirements, tailored to that particular area. All the new animal licensing conditions and regulations are attached at **Appendices A**.

- 6.5. Existing licences that are issued up to 31st December 2018, will continue until their stated expiry date, however licence holders will be required to apply for a new type of licence prior to the 31<sup>st</sup> December 2018 and to take effect from 1<sup>st</sup> January 2019.
- 6.6. If the grant of a licence is refused, or the licence is suspended, the operator will be able to appeal to a First Tier Tribunal (Magistrates Court), which would comprise a panel with specialist knowledge administered by HM Courts and Tribunal Service.

## 7. INSPECTION PROCESS AND SCORE RATING

- 7.1. In the past, an inspection of the premises has been carried out by officers from the Licensing Team and where possible an officer from the Trading Standards Team. The new regime requires a '**qualified inspector**' to carry out the inspections, and in the case of the grant of a dog breeding establishment and at grant and renewal of horse riding establishments they must be accompanied by a veterinary surgeon. To qualify to inspect these premises, a person must hold a Level 3 Certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulations which oversees training and assessment of persons inspecting and licensing certain animal activities businesses, and must have passed an independent exam. Their certificate must apply to the specific type of activities they are inspecting. If an inspector is not available, then a qualified veterinary surgeon must carry out the inspection.
- 7.2. Transitional provisions are in place to enable any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses to carry out the inspections until October 2021. After that time, the above requirements will need to be met.
- 7.3. Under the new arrangements, the inspection process will be much more comprehensive, and built around providing the premises with a 'risk rating'. This process will establish whether the business is 'low risk' or 'higher risk' based on the level to which it meets the standards set out in regulations and guidance, and award between one and five stars, thus determining the length of the licence (with the exception of 'Keeping and Training Animals for Exhibition' for which all licences will be issued for 3 years as default). The star rating will be displayed on the licence, and included in the Council's public register, published on the Slough Borough Council website.
- 7.4. Businesses established as higher risk will attain between one and four stars. If one or two stars are issued they will be issued a one year licence, and can expect a minimum of one unannounced visit during that period. If four stars are attained, the licence will be issued for two years, and the licence holder can expect one unannounced visit during the two year period.
- 7.5. Lower risk businesses can be issued a licence for any period between one and three years. Licence holders can expect a minimum of one unannounced visit at any time during the period specified on the licence.

- 7.6. The recently published draft guidance advises that if a business is certified by a UKAS-accredited body to operate animal welfare certification, it should be considered low risk and receive the higher star rating, unless there is evidence of poor animal welfare or non-compliance. Existing businesses that are not certified must be assessed using a risk scoring table – also set out in the guidance – to ascertain their score, and from this, their star rating. New businesses that are not certified will automatically be considered high risk as they have no operational history.
- 7.7. Operators of businesses will be able to appeal their risk rating, or request a reassessment if they have made improvements.

## **8. PUBLICISING THE CHANGES**

- 8.1. All proprietors of establishments whose licences expire on 31 December each year due to current legislative requirements, have been appraised and provided with information of the impending changes and that further information can be accessed from the SBC website. At the time of preparing this report it is anticipated that DEFRA will be publishing an application form and inspection sheets before or on 1<sup>st</sup> October 2018.
- 8.3. Once all documentation and guidance has been published by DEFRA and the new arrangements are up and running, officers will work to develop and implement a new policy, which will be brought before members for consideration at a future meeting.

## **9. FEES**

- 9.1. The animal licensing scheme falls within the definition of ‘services’, and is subject to the EU Services Directive, incorporated in to UK law as the Provision of Services Regulations 2009.
- 9.2. The fees that were put before Cabinet on 15<sup>th</sup> October 2018 are split into two parts: –
  - (i) the application fee, payable at the time of submission to cover the Council’s costs in considering and determining the application, and
  - (ii) the licence fee, which covers ongoing enforcement and compliance requirements.

## **10 . APPEALS**

- 10.1. An appeal process will be in place to enable applicants to challenge the initial star rating they are given. It will also be possible for applicants to pay for a re-inspection following the carrying out of improvements that would lead to a higher star rating.

## **11. Comments of Other Committees**

A report for new animal licensing fees is scheduled for approval by Cabinet on 15<sup>th</sup> October 2018.

## **12. Conclusion**

The Committee is requested to note the report.

## **13. Appendices Attached**

'A' - Animal Welfare Licensing conditions and regulations.

## **14. Background Papers**

- '1' - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- '2' - DEFRA - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – Procedural guidance notes for local authorities (July 2018)

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# APPENDIX A

## SCHEDULE 1 Licensable activities

Regulation 2

### PART 1

#### Business test

**1.** The circumstances which a local authority must take into account in determining whether an activity is being carried on in the course of a business for the purposes of this Schedule include, for example, whether the operator—

- (a) makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- (b) earns any commission or fee from the activity.

### PART 2

#### Selling animals as pets

**2.** Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.

**3.** The activity described in paragraph 2 does not include—

- (a) selling animals in the course of an aquacultural production business authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009(a), or
- (b) the activity described in paragraph 8.

### PART 3

#### Providing or arranging for the provision of boarding for cats or dogs

**4.** Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by—

- (a) providing boarding for cats;
- (b) providing boarding in kennels for dogs;
- (c) providing home boarding for dogs; or
- (d) providing day care for dogs.

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(a) S.I. 2009/463.

**5.** The activity described in paragraph 4 does not include keeping a dog or cat on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981(a).

## PART 4

### Hiring out horses

**6.** Hiring out horses in the course of a business for either or both of the following purposes—

- (a) riding;
- (b) instruction in riding.

**7.** The activity described in paragraph 6 does not include any activity—

- (a) solely for military or police purposes, or
- (b) involving the instruction of students at a university on a course of study and examinations leading to a veterinary degree to which a recognition order under section 3 of the Veterinary Surgeons Act 1966(b) relates and for as long as such an order is in force.

## PART 5

### Breeding dogs

**8.** Either or both of the following—

- (a) breeding three or more litters of puppies in any 12-month period;
- (b) breeding dogs and advertising a business of selling dogs.

**9.** The activity described in paragraph 8 does not include—

- (a) keeping a dog on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981,
- (b) breeding only assistance dogs or dogs intended to be used as assistance dogs within the meaning of section 173 of the Equality Act 2010(c), or
- (c) breeding three or more litters of puppies in any 12-month period if the person carrying on the activity provides documentary evidence that none of them have been sold (whether as puppies or as adult dogs).

## PART 6

### Keeping or training animals for exhibition

**10.** Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes—

- (a) to any audience attending in person, or
- (b) by the recording of visual images of them by any form of technology that enables the display of such images.

**11.** The activity described in paragraph 10 does not include—

- (a) keeping or training animals solely for military, police or sporting purposes,

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(a) 1981 c. 22.

(b) Section 3(1)(b) has been amended by paragraph 3 of the Schedule to S.I. 2008/1824.

(c) 2010 c. 15.

- (b) any activity permitted under a licence to operate a travelling circus under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012(a), or
- (c) any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981(b).

## SCHEDULE 2

### General conditions

Regulation 2

#### Licence display

1.—(1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

#### Records

2.—(1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

(2) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

#### Use, number and type of animal

3.—(1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

(2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

#### Staffing

4.—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

#### Suitable environment

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

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(a) S.I. 2012/2932.  
(b) 1981 c. 37.

- (a) their behavioural needs,
  - (b) its situation, space, air quality, cleanliness and temperature,
  - (c) the water quality (where relevant),
  - (d) noise levels,
  - (e) light levels,
  - (f) ventilation.
- (3) Staff must ensure that the animals are kept clean and comfortable.
- (4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.
- (5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.
- (6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.
- (7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.
- (8) All resources must be provided in a way (for example as regards, frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.
- (9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

#### **Suitable diet**

- 6.—(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.
- (2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.
- (3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.
- (4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.
- (5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.
- (6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

#### **Monitoring of behaviour and training of animals**

- 7.—(1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.
- (2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.
- (3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.
- (4) Where used, training methods or equipment must not cause pain, suffering or injury.
- (5) All immature animals must be given suitable and adequate opportunities to—

- (a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
- (b) become habituated to noises, objects and activities in their environment.

#### **Animal handling and interactions**

**8.—(1)** All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

**(2)** The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

**(3)** The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

#### **Protection from pain, suffering, injury and disease**

**9.—(1)** Written procedures must—

- (a) be in place and implemented covering—
  - (i) feeding regimes,
  - (ii) cleaning regimes,
  - (iii) transportation,
  - (iv) the prevention of, and control of the spread of, disease,
  - (v) monitoring and ensuring the health and welfare of all the animals,
  - (vi) the death or escape of an animal (including the storage of carcasses);
- (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

**(2)** All people responsible for the care of the animals must be made fully aware of these procedures.

**(3)** Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

**(4)** All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.

**(5)** All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

**(6)** Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.

**(7)** Where necessary, animals must receive preventative treatment by an appropriately competent person.

**(8)** The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.

**(9)** Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.

**(10)** Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.

**(11)** Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

(12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—

- (a) in the case of fish, a person who is competent for such purpose;
- (b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

### **Emergencies**

**10.**—(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

## **SCHEDELE 3**

Regulation 2

### **Specific conditions: selling animals as pets**

#### **Interpretation**

##### **1. In this Schedule—**

“prospective owner” means a person purchasing an animal to keep or to be kept as a pet;

“premises” means the premises on which the licensable activity of selling animals as pets (or with a view to their being later resold as pets) is carried on;

“purchaser” means a person purchasing an animal to keep as a pet or with a view to it later being resold as a pet.

#### **Records and advertisements**

**2.**—(1) A register must be maintained for all the animals or, in the case of fish, all the groups of fish, on the premises which must include —

- (a) the full name of the supplier of the animal,
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),
- (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
- (f) the date of the sale of the animal by the licence holder, and

- (g) the date of the animal's death (if applicable).
- (2) Where an animal is undergoing any medical treatment—
  - (a) this fact must be clearly indicated—
    - (i) in writing next to it, or
    - (ii) (where appropriate) by labelling it accordingly, and
  - (b) it must not be sold.
- (3) Any advertisement for the sale of an animal must—
  - (a) include the number of the licence holder's licence,
  - (b) specify the local authority that issued the licence,
  - (c) include a recognisable photograph of the animal being advertised,
  - (d) (except in the case of fish) display the age of the animal being advertised,
  - (e) state the country of residence of the animal from which it is being sold, and
  - (f) state the country of origin of the animal.

#### **Prospective sales: pet care and advice**

3.—(1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.

(2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—

- (a) feeding,
- (b) housing,
- (c) handling,
- (d) husbandry,
- (e) the life expectancy of its species,
- (f) the provision of suitable accessories, and
- (g) veterinary care.

(3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.

(4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

(5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

#### **Suitable accommodation**

4.—(1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in cages that are secure and lockable and appropriate for the species.

(4) For the purposes of sub-paragraph (3), “dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976(a).

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(a) 1976 c. 38. The Schedule was substituted in relation to England and Wales by article 2 of S.I. 2007/2465.

### **Purchase and sale of animals**

**5.**—(1) The purchase, or sale, by or on behalf of the licence holder of any of the following is prohibited—

- (a) unweaned mammals;
- (b) mammals weaned at an age at which they should not have been weaned;
- (c) non-mammals that are incapable of feeding themselves;
- (d) puppies, cats, ferrets or rabbits, aged under 8 weeks.

(2) The sale of a dog must be completed in the presence of the purchaser on the premises.

### **Protection from pain, suffering, injury and disease**

**6.**—(1) All animals for sale must be in good health.

(2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

(3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

(4) Animals must be transported or handed to purchasers in suitable containers for the species and expected duration of the journey.

## **SCHEDULE 4**

Regulation 2

### **Specific conditions: providing boarding for cats or dogs**

#### **PART 1**

##### **Providing boarding for cats**

#### **Interpretation**

##### **1. In this Part—**

“cat unit” means the physical structure and area that comprises a sleeping area and an exercise run;

“exercise run” means an enclosed area forming part of the cat unit attached to and with direct and permanent access to the sleeping area;

“premises” means the premises on which the licensable activity of providing boarding for cats is carried on.

#### **Suitable environment**

**2.**—(1) Cats within the premises must be prevented from coming into direct contact with other animals from outside the premises.

(2) There must be a safe, secure, waterproof roof over the entire cat unit.

(3) A cat unit may only be shared by cats from the same household.

(4) Communal exercise areas are not permitted.

(5) Each cat unit must be clearly numbered and there must be a system in place which ensures that information about the cat or cats in each cat unit is available to all staff and any inspector.

(6) Each cat unit must provide the cat with sufficient space to—

- (a) walk,
- (b) turn around,
- (c) stand on its hind legs,
- (d) hold its tail erect,
- (e) climb,
- (f) rest on the elevated area, and
- (g) lie down fully stretched out,

without touching another cat or the walls.

(7) Each cat unit must have sufficient space for each cat to sit, rest, eat and drink away from the area where it urinates and defecates.

(8) Cats must have constant access to their sleeping area.

(9) A litter tray and safe and absorbent litter material must be provided at all times in each cat unit and litter trays must be regularly cleaned and disinfected.

(10) Each cat unit must include an elevated area.

(11) Adjoining cat units must have solid barriers covering the full height and full width of the adjoining wall.

(12) Any gaps between cat units must be a minimum of 0.6 metres wide.

(13) Any cat taken out of a cat unit must be secured in a suitable carrier.

(14) The sleeping area must form part of the cat unit and be free from draughts.

#### **Monitoring of behaviour and training of cats**

3.—(1) There must be an area within each cat unit in which the cat can avoid seeing other cats and people outside the cat unit if it so chooses.

(2) Each cat unit must include a facility for scratching and any surface within a cat unit available for scratching must either be disinfected between uses by different cats or disposed of.

(3) All cats must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(4) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

#### **Records**

4. A register must be kept of all the cats on the premises which must include—

- (a) the dates of each cat's arrival and departure,
- (b) each cat's name, age, sex, neuter status and a description of it or its breed,
- (c) each cat's microchip number, where applicable,
- (d) the number of any cats from the same household,
- (e) a record of which cats (if any) are from the same household,
- (f) the name, postal address, telephone number (if any) and email address (if any) of the owner of each cat and emergency contact details,
- (g) in relation to each cat, the name, postal address, telephone number and email address of a local contact in an emergency,
- (h) the name and contact details of each cat's normal veterinarian and details of any insurance relating to the cat,
- (i) details of each cat's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise,
- (j) details of each cat's diet and related requirements,

- (k) any required consent forms,
- (l) a record of the date or dates of each cat's most recent vaccination, worming and flea treatments, and
- (m) details of any medical treatment each cat is receiving.

#### **Protection from pain, suffering, injury and disease**

**5.—(1)** A cat must remain in its assigned cat unit, except when it is moved to an isolation cat unit or to a holding cat unit.

**(2)** Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for cats takes place.

**(3)** All equipment must be cleaned and disinfected before a cat is first introduced into a cat unit.

**(4)** A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

**(5)** A holding cat unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

**(6)** In this paragraph, “holding cat unit” means a cat unit, separate from any other cat unit, in which a cat may be housed temporarily.

## **PART 2**

### **Providing boarding in kennels for dogs**

#### **Interpretation**

**6. In this Part—**

“exercise run” means an enclosed area forming part of a kennel unit attached to and with direct access to the sleeping area;

“kennel unit” means the physical structure and area that consists of a sleeping area and an exercise run;

“premises” means the premises on which the licensable activity of providing boarding in kennels for dogs is carried on.

#### **Suitable environment**

**7.—(1)** Dogs within the premises must be prevented from coming into contact with other animals from outside the premises.

**(2)** In each kennel unit, the sleeping area must—

(a) be free from draughts;

(b) provide the dog with sufficient space to—

(i) sit and stand at full height,

(ii) lie down fully stretched-out,

(iii) wag its tail,

(iv) walk, and

(v) turn around,

without touching another dog or the walls;

(c) have a floor area which is at least twice the area required for the dog in it to lie flat; and

(d) if built after the date on which these Regulations come into force, have a floor area of at least 1.9 square metres.

(3) Each kennel unit must be clearly numbered and there must be a system in place which ensures that information about the dog or dogs in each kennel unit is available to all staff and any inspector.

(4) Each dog must have constant access to its sleeping area.

(5) Each dog must have a clean, comfortable and warm area within its sleeping area where it can rest and sleep.

(6) Each exercise run must have a single, safe, secure, waterproof roof over a minimum of half its total area.

(7) Where a dog poses a health or welfare risk to other dogs, it must be kept on its own in a kennel unit and, if that kennel unit adjoins another kennel unit, any adjoining wall must be of full height and width so as to prevent the dog from coming into physical contact with any other dog.

(8) Only dogs from the same household may share a kennel unit.

### **Monitoring of behaviour and training**

8.—(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) All dogs must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(3) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

(4) Each dog must be exercised at least once daily away from its kennel unit as appropriate for its age and health.

(5) Any dog which, on the advice of a veterinarian, cannot be exercised must be provided with alternative forms of mental stimulation.

(6) There must be an area within each kennel unit in which a dog can avoid seeing people and other dogs outside the kennel unit if it so chooses.

### **Records**

9.—(1) A register must be kept of all the dogs on the premises which must include—

- (a) the dates of each dog's arrival and departure;
- (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
- (c) the number of any dogs from the same household;
- (d) a record of which dogs (if any) are from the same household;
- (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
- (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
- (g) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;
- (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
- (i) details of the dog's diet and related requirements;
- (j) any required consent forms;
- (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
- (l) details of any medical treatment each dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

#### **Protection from pain, suffering, injury and disease**

**10.**—(1) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for dogs in kennels takes place.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(3) A holding kennel unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(4) In sub-paragraph (3), “holding kennel unit” means a kennel unit, separate from any other kennel unit, in which a dog may be housed temporarily.

### **PART 3**

#### **Providing home boarding for dogs**

##### **Interpretation**

###### **11. In this Part—**

“designated room” means a room within the home allocated to a dog;

“home” means a domestic dwelling on which the licensable activity of providing home boarding for dogs is carried on.

##### **Home**

###### **12.—(1) Dogs must be accommodated within the home.**

###### **(2) The home must include—**

- (a) direct access to a private, non-communal, secure and hazard-free external area, and
- (b) at least two secure physical barriers between any dog and any entrance to or exit from it.

##### **Suitable environment**

**13.—(1) Dogs from different households may only be boarded at the same time with the written consent of every owner.**

(2) Each dog must be provided with its own designated room where it can, if necessary, be kept separate from other dogs.

(3) Each dog must have a clean, comfortable and warm area within its designated room where it can rest and sleep.

(4) Each designated room must have a secure window to the outside that can be opened and closed as necessary.

(5) A dog must not be confined in a crate for longer than three hours in any 24-hour period.

(6) A dog must not be kept in a crate unless—

- (a) it is already habituated to it,
- (b) a crate forms part of the normal routine for the dog, and
- (c) the dog’s owner has consented to the use of a crate.

(7) Any crate in which a dog is kept must be in good condition and sufficiently large for the dog to sit and stand in it at full height, lie flat and turn around.

### **Suitable diet**

**14.** Each dog must be fed separately in its designated room unless its owner has given written consent to the contrary.

### **Monitoring of behaviour and training**

**15.—(1)** Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) Each dog must be exercised at least once daily as appropriate for its age and health.

(3) Dogs which on the advice of a veterinarian cannot be exercised must be provided with alternative forms of mental stimulation.

### **Housing with or apart from other dogs**

**16.—(1)** Written consent must be obtained from the owner or owners (as the case may be) to keep dogs together in a designated room.

(2) Unneutered bitches must be prevented from mating.

(3) If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

### **Records**

**17.—(1)** A register must be kept of all the dogs accommodated in the home which must include—

- (a) the dates of each dog's arrival and departure;
- (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
- (c) the number of any dogs from the same household;
- (d) a record of which dogs (if any) are from the same household;
- (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
- (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
- (g) the name and contact details of each dog's normal veterinarian and details of any insurance relating to the dog;
- (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
- (i) details of each dog's diet and related requirements;
- (j) any required consent forms;
- (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
- (l) details of any medical treatment each dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

### **Protection from pain, suffering, injury and disease**

**18.—(1)** Before a dog is admitted for boarding, all equipment to be used by or in relation to that dog must be cleaned and disinfected.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

## PART 4

### Providing day care for dogs

#### **Interpretation**

**19.** In this Part, “premises” means the premises on which the licensable activity of providing day care for dogs is carried on.

#### **No overnight stay**

**20.** No dog may be kept on the premises overnight.

#### **Suitable environment**

**21.—(1)** Each dog must be provided with—

- (a) a clean, comfortable and warm area where it can rest and sleep, and
- (b) another secure area in which water is provided and in which there is shelter.

**(2)** Each dog must have access to areas where it can—

- (a) interact safely with other dogs, toys and people, and
- (b) urinate and defecate.

**(3)** There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

#### **Suitable diet**

**22.** Any dog that requires specific feed due to a medical condition must be fed in isolation.

#### **Monitoring of behaviour and training**

**23.—(1)** All dogs must be screened before being admitted to the premises to ensure that they are not afraid, anxious or stressed in the presence of other dogs or people and do not pose a danger to other dogs or staff.

**(2)** Any equipment used that is likely to be in contact with the dogs and any toys provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

#### **Housing apart from other dogs**

**24.—(1)** Unneutered bitches must be prevented from mating.

**(2)** Dogs which need to be isolated from other dogs must be provided with alternative forms of mental stimulation.

#### **Records**

**25.—(1)** A register must be kept of all the dogs on the premises which must include—

- (a) the date of the dog’s attendance;
- (b) the dog’s name, age, sex, neuter status, microchip number and a description of it or its breed;
- (c) the name, postal address, telephone number (if any) and email address (if any) of the owner and emergency contact details;
- (d) the name and contact details of the dog’s normal veterinarian and details of any insurance relating to the dog;

- (e) details of the dog's relevant medical and behavioural history, including details of any treatment administered against parasites and any restrictions on exercise;
  - (f) details of the dog's diet and relevant requirements;
  - (g) any required consent forms;
  - (h) a record of the date or dates of the dog's most recent vaccination, worming and flea treatments;
  - (i) details of any medical treatment the dog is receiving.
- (2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

#### **Protection from pain, suffering, injury and disease**

- 26.**—(1) The dogs must be supervised at all times.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.
- (3) Any journeys in a vehicle must be planned to minimise the time dogs spend in the vehicle.

## **SCHEDULE 5**

Regulation 2

### **Specific conditions: hiring out horses**

#### **Interpretation**

1. In this Schedule, “client” means a person for whose use a horse is hired out.

#### **Eligibility**

- 2.**—(1) The licence holder must—
- (a) hold an appropriate formal qualification, or have sufficient demonstrable experience and competence, in the management of horses, and
  - (b) hold a valid certificate of public liability insurance which—
    - (i) insures the licence holder against liability for any injury sustained by, and the death of, any client, and
    - (ii) insures any client against liability for any injury sustained by, and the death of, any other person,
- caused by or arising out of the hire of the horse.

- (2) The certificate mentioned in sub-paragraph (1)(b) must be clearly and prominently displayed on the premises.

#### **Supervision**

- 3.**—(1) The activity must not at any time be left in the charge of a person aged under 18 years.
- (2) No horse may be hired out except under the supervision of a person aged 16 years or more unless the licence holder is satisfied that the person hiring the horse is competent to ride without supervision.
- (3) The following must be clearly and prominently displayed on the premises—
- (a) the full name, postal address (including postcode) and telephone number of the licence holder or other person with management responsibilities in respect of the activity;
  - (b) instructions as to the action to be taken in the event of a fire or other emergency.

### **Suitable environment**

- 4.—(1) It must be practicable to bring all the horses on the premises under cover.
- (2) Suitable storage must be provided and used for feed, bedding, stable equipment and saddlery.
- (3) All arena surfaces must be suitable for purpose, well drained, free of standing water and maintained regularly to keep them level.

### **Suitable diet**

- 5.—(1) At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.
- (2) Supplementary feed and nutrients must be provided to any horse when appropriate.
- (3) Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

### **Protection from pain, suffering, injury and disease**

- 6.—(1) The horses must be maintained in good health and must be in all respects physically fit.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented
- (3) A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.
- (4) Each horse must be suitable for the purpose for which it is kept and must not be hired out if, due to its condition, its use would be likely to cause it to suffer.
- (5) Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder's expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.
- (6) Each horse's hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and any shoes should be properly fitted and in good condition.
- (7) An area suitable for the inspection of horses by a veterinarian must be provided.
- (8) The following must not be hired out—
  - (a) a horse aged under 3 years;
  - (b) a mare heavy with foal;
  - (c) a mare whose foal has not yet been weaned.
- (9) The licence holder must keep a register of all horses kept for the licensable activity on the premises, each such horse's valid passport showing its unique equine life number and a record of its microchip number (if any).

### **Equipment**

7. All equipment provided to clients must be in good and safe condition and available for inspection at any reasonable time.

## **SCHEDEULE 6**

Regulation 2

### **Specific conditions: breeding dogs**

#### **Advertisements and sales**

- 1.—(1) The licence holder must not advertise or offer for sale a dog—

- (a) which was not bred by the licence holder;
  - (b) except from the premises where it was born and reared under the licence;
  - (c) otherwise than to—
    - (i) a person who holds a licence for the activity described in paragraph 2 of Schedule 1; or
    - (ii) a keeper of a pet shop in Wales who is licensed under the Pet Animals Act 1951(a) to keep the shop,
- knowing or believing that the person who buys it intends to sell it or intends it to be sold by any other person.
- (2) Any advertisement for the sale of a dog must—
- (a) include the number of the licence holder's licence,
  - (b) specify the local authority that issued the licence,
  - (c) include a recognisable photograph of the dog being advertised, and
  - (d) display the age of the dog being advertised.
- (3) The licence holder and all staff must ensure that any equipment and accessories being sold with a dog are suitable for it.
- (4) The licence holder and all staff must ensure that the purchaser is informed of the age, sex and veterinary record of the dog being sold.
- (5) No puppy aged under 8 weeks may be sold or permanently separated from its biological mother.
- (6) A puppy may only be shown to a prospective purchaser if it is together with its biological mother.
- (7) Sub-paragraphs (5) and (6) do not apply if separation of the puppy from its biological mother is necessary for the health or welfare of the puppy, other puppies from the same litter or its biological mother.

### **Suitable environment**

- 2.—(1) Each dog must have access to a sleeping area which is free from draughts and an exercise area.
- (2) Each dog must be provided with sufficient space to—
- (a) stand on its hind legs,
  - (b) lie down fully stretched out,
  - (c) wag its tail,
  - (d) walk, and
  - (e) turn around,
- without touching another dog or the walls of the sleeping area.
- (3) The exercise area must not be used as a sleeping area.
- (4) Part or all of the exercise area must be outdoors.
- (5) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.
- (6) Each whelping area must be maintained at an appropriate temperature (between and including 26 and 28 degrees centigrade) and include an area which allows the breeding bitch to move away from heat spots.
- (7) Each dog must be provided with constant access to a sleeping area.

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(a) 1951 c. 35 (14 & 15 Geo 6).

- (8) A separate bed must be provided for each adult dog.
- (9) No puppy aged under 8 weeks may be transported without its biological mother except—
  - (a) if a veterinarian agrees for health or welfare reasons that it may be so transported, or
  - (b) in an emergency.
- (10) No breeding bitch may be transported later than 54 days after the date of successful mating except to a veterinarian.
- (11) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinarian where it is not otherwise practicable or appropriate for that person to attend to the bitch.
- (12) Each dog's sleeping area must be clean, comfortable, warm and free from draughts.
- (13) In this paragraph, "exercise area" means a secure area where dogs may exercise and play.

#### **Suitable diet**

- 3. Staff must—**
  - (a) ensure that each puppy starts weaning as soon as it is capable of ingesting feed on its own,
  - (b) provide each breeding bitch with feed appropriate to its needs,
  - (c) provide each puppy with feed appropriate for its stage of development, and
  - (d) ensure that each puppy ingests the correct share of the feed provided.

#### **Monitoring of behaviour and training**

- 4.—(1)** The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.
- (2) Each dog must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.
- (3) Except in the circumstances mentioned in sub-paragraph (4), all adult dogs must be exercised at least twice daily away from their sleeping area.
- (4) Where a veterinarian has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation.
- (5) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

#### **Housing with or apart from other dogs**

- 5.—(1)** Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dogs' welfare.
- (2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.
- (3) Procedures must be in place for dealing with dogs that show abnormal behaviour.
- (4) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

#### **Protection from pain, suffering, injury and disease**

- 6.—(1)** All dogs for sale must be in good health.
- (2) Any dog with a condition which is likely to affect materially its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until it has recovered.
- (3) The licence holder must ensure that no bitch—

- (a) is mated if aged less than 12 months;
- (b) gives birth to more than one litter of puppies in a 12-month period;
- (c) gives birth to more than six litters of puppies in total;
- (d) is mated if she has had two litters delivered by caesarean section.

(4) The licence holder must ensure that each puppy is microchipped and registered to the licence holder before it is sold.

(5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.

(6) The health, safety and welfare of each dog must be checked at the start and end of every day and at least every four hours during the daytime.

(7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—

- (a) the date and time of birth of each puppy,
- (b) each puppy's sex, colour and weight,
- (c) placentae passed,
- (d) the number of puppies in the litter, and
- (e) any other significant events.

(8) The licence holder must keep a record of each puppy sale including—

- (a) the microchip number of the puppy,
- (b) the date of the sale, and
- (c) the age of the puppy on that date.

(9) The licence holder must keep a record of the following in relation to each breeding dog—

- (a) its name,
- (b) its sex,
- (c) its microchip and database details,
- (d) its date of birth,
- (e) the postal address where it normally resides,
- (f) its breed or type,
- (g) its description,
- (h) the date or dates of any matings, whether or not successful,
- (i) details of its biological mother and biological father,
- (j) details of any veterinary treatment it has received, and
- (k) the date and cause of its death (where applicable).

(10) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding bitch—

- (a) the number of matings,
- (b) its age at the time of each mating,
- (c) the number of its litters,
- (d) the date or dates on which it has given birth, and
- (e) the number of caesarean sections it has had, if any.

(11) Unless the licence holder keeps the dog as a pet, the licence holder must make arrangements for any dog no longer required for breeding to be appropriately rehomed.

(12) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(13) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.

(14) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

## SCHEDULE 7

Regulation 2

### Specific conditions: keeping or training animals for exhibition

#### Insurance

1. The licence holder must hold valid public liability insurance in respect of the licensable activity of keeping or training animals for exhibition.

#### Emergencies

2. A written policy detailing contingency measures in the event of the breakdown of a vehicle used to transport the animals or any other emergency must be available to all staff.

#### Suitable environment

3. Suitable temporary accommodation must be provided for all the animals at any venue where they are exhibited.

#### Monitoring of behaviour and training

4. The animals must be trained by competent staff and given suitable and adequate opportunities to become habituated to being exhibited, using positive reinforcement.

#### Housing with or apart from other animals

5.—(1) Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.

(2) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.

(3) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.

(4) No female animal with unweaned offspring may be removed from its home environment and newborn, unweaned or dependent offspring must not be removed from their mothers.

#### Records

6. The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.

#### Protection from pain, suffering, injury and disease

7.—(1) A register must be kept of each animal exhibited or to be exhibited which must include—

- (a) the full name of its supplier,
- (b) its date of birth,
- (c) the date of its arrival,
- (d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),
- (e) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,
- (f) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,
- (g) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and
- (h) the distance to and times taken for it to travel to and from each exhibition event.

(2) A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.

(3) All the animals used in exhibition events must be in good physical and mental health.

(4) The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.

(5) Any equipment, chemicals and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.

(6) The animals must be transported in suitable, secure and appropriately labelled carriers.

(7) The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.

(8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee     **DATE:** 18<sup>th</sup> October 2018

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**WARD(S):** ALL

**PART I**  
**FOR DECISION**

**MANADATORY PASSENGER ASSISTANT TRAINING SCHEME (PATS) FOR ALL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS.**

**1. Purpose of Report**

To inform the Committee of the Government's 'Inclusive Transport Strategy' and recommending making 'Disability Awareness Training' i.e. Passenger Assistant Training (PATS) a mandatory requirement for all new and existing Hackney Carriage and Private Hire Drivers.

**2. Recommendation(s)/Proposed Action**

The Committee is requested:

- (a) To note the report and the letter from the Department for Transport regarding the Government's 'Inclusive Transport Strategy'.
- (b) Approve that the 'Passenger Assistant Training Scheme' is a mandatory requirement for all new applicants for any a Hackney Carriage or Private Hire driver licence, and must be undertaken before a licence is granted.
- (c) Approve that the 'Passenger Assistant Training Scheme' ("PATS") is a mandatory requirement for all existing Hackney Carriage and Private Hire drivers and that the training must be undertaken within one year of 1st January 2019.
- (d) That all current Hackney Carriage and Private Hire Drivers, including 'Combined' licensed drivers that have previously undertaken PATS training will be exempt from the new requirement.
- (e) To approve that where any current holder of a Hackney Carriage or Private Hire Driver licence has failed to attend the mandatory PATS training (other than those that are exempt) by 31<sup>st</sup> December 2019, their licence will be suspended until such time as they attend the training and produce a valid certificate as confirmation of their attendance.

### **3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

Slough Borough Council approved PATS in 2005, however this was for drivers of wheelchair accessible vehicles and new applicants for Hackney Carriage and 'Combination' Hackney Carriage and Private Hire driver licenses only.

The proposals within the report will support the requirements in the Governments 'Inclusive Transport Strategy' in ensuring that all Hackney Carriage and Private Hire drivers are suitably trained to assist and carry all passengers with varying disabilities.

#### **3a. Slough Joint Wellbeing Strategy Priorities**

The proposals for making PATS training a mandatory requirement will contribute to and support the Slough Joint Wellbeing Strategy priority :

Priorities:

1. Protecting vulnerable children
2. Increasing life expectancy by focusing on inequalities

#### **3b. Five Year Plan Outcomes**

The proposals will also contribute to the Five year Plan outcomes of :

1. Slough children will grow up to be happy, healthy and successful.
2. Slough will be an attractive place where people choose to live, work and visit.
3. Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

### **4. Other Implications**

#### **(a) Financial**

There are no financial implications for the Council on the recommendation.

#### **(b) Risk Management**

Recommendation from section 2 above	Risks/Threats/Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
(a) To note the report and the letter from the Department for Transport regarding the Governments 'Inclusive Transport Strategy'. (b) Approve that the 'Passenger Assistant Training	By approving PATS training as a mandatory requirement this will ensure that drivers working for taxi and private hire services are suitably trained in order to assist and cater for persons with	Only new applicants for Hackney Carriage and 'Combined Hackney Carriage and Private Hire' driver licenses are required to undertake PATS	2	Approval of mandatory PATS training.

<p>Scheme' ("PATS") is a mandatory requirement for all new applicants for any a Hackney Carriage or Private Hire driver licence, and must be undertaken before a licence being granted.</p> <p>(c) PATS is a mandatory requirement for all existing Hackney Carriage and Private Hire drivers and that the training must be undertaken within in one year from 1st January 2019.</p> <p>(d) That all current Hackney Carriage and Private Hire Drivers, including 'Combined' licensed drivers that have previously undertaken PATS training will be exempt from the new requirement.</p> <p>(e) To approve that where any current holder of a Hackney Carriage or Private Hire Driver licence has failed to attend the mandatory PATS training (other than those that are exempt) by 31st December 2019, their licence will be suspended until they attend the training and produce a valid certificate as confirmation.</p>	<p>varying forms of disability and to be compliant with the Governments recommendations .</p>	<p>training</p>		
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**(c) Human Rights Act and Other Legal Implications**

1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

2. The Local Government (Miscellaneous Provisions) Act 1976, allows the Local Authority to set standards for the granting of taxi and private hire driver and vehicle licenses.

**(d) Equalities Impact Assessment**

An Equality Impact Assessment been conducted which shows that the requirement for mandatory PATS training is necessary to ensure drivers working for taxi and private hire services are suitably trained in order to assist and cater for persons with varying forms of disability and to be compliant with the Government's recommendations.

**5. Supporting Information**

5.1 On 25 July 2018 Nusrat Ghani MP the Parliamentary Under Secretary of State for the Department of Transport wrote to Slough Borough Council. advising of the publication of the Government's 'Inclusive Transport Strategy' which sets out the Government's plan to make travel easier for disabled people. A copy of the letter from Nusrat Ghani MP is attached at **Appendix A**.

5.2 The Inclusive Transport Strategy sets out 5 core objectives of:

- Raising awareness of passengers' rights and ensuring better enforcement of existing legislation;
- Improving the training that all transport services staff receive;
- Improving information provision before and during journeys;
- Planning physical infrastructure changes to enable disabled people; and
- Ensuring inclusive design for the technologies and business models of the future.

5.3 Specifically in relation to Taxi and Private Hire vehicles, the letter from the Department for Transport also details recommendations regarding the accessibility to Taxi and Private Hire services by disabled persons. All licensing authorities should play their part in ensuring that the Taxi and Private Hire services they support, meet the needs of passengers wishing to use them, including:

- Publishing lists of taxis and PHVs designated as being "wheelchair accessible" for the purposes of Section 167 of the Equality Act 2010;
- Prosecuting drivers for discriminating against assistance dog owners

- and wheelchair users, where sufficient evidence exists to do so, and applying appropriate licensing sanctions;
- Reviewing the demand for wheelchair accessible taxis and PHVs in your area, and taking steps to ensure that the composition of fleets reflects this need; and
  - Requiring all taxi and PHV drivers to complete disability awareness training.
- 5.4 With regards to the first 2 bullet points above, Slough Borough Council already has these provisions in place.
- 5.5 In relation to bullet point 3, the fleet of currently licensed Hackney Carriages i.e. 107, consists of 57 wheelchair accessible vehicles which is compliant with the requirements of the Equality Act 2010. However, for Private Hire Vehicles the current fleet consists of 596 vehicles and only 10, i.e. 1.67 % are wheelchair accessible vehicles. It will therefore be necessary to seek further guidance from the Department for Transport on how they will expect local authorities to increase the number of Private Hire wheelchair accessible vehicles without putting an increased financial or disproportionate burden on the Private Hire Trade.
- 5.6 Attached at **Appendix B** is an extract of sections 4.17 to 4.21 of the ‘Inclusive Transport Strategy’ with recommendations pertaining to Taxi and Private Hire Licensing.
- 5.7 Slough Borough Council approved the ‘Passenger Assistant Training Scheme’ (PATS) in 2005 to comply with requirements of the Equality Act 2006, however this was for drivers of wheelchair accessible vehicles and new applicants for Hackney Carriage and ‘Combination’ Hackney Carriage and Private Hire driver licenses only. There are currently 171 licensed drivers that have undertaken and passed the PATS training
- 5.8 The approved modules of the PATS training to be undertaken and passed are modules A, B1, B2, C1 and C2 only. The content of these modules are contained within the Community Transport Association PATS training document attached at **Appendix C**. Slough Borough Council currently has a list of 14 approved PATS training providers.
- 5.9 It is felt that by making the PATS training a mandatory requirement for all Hackney Carriage and Private Hire drivers this will ensure that Slough Borough Council is complying with the Government’s recommendations.

## **6. Comments of Other Committees**

None.

## **7. Conclusion**

- (a) To note the report and the letter from the Department for Transport regarding the Government’s ‘Inclusive Transport Strategy’.
- (b) Approve that the ‘Passenger Assistant Training Scheme’ (PATS) is a mandatory requirement for all new applicants for any a Hackney Carriage or Private Hire driver licence, and must be undertaken before a licence being granted.

- (c) Approve that the 'Passenger Assistant Training Scheme' (PATS) is a mandatory requirement for all existing Hackney Carriage and Private Hire drivers and that the training must be undertaken within one year from 1st January 2019.
- (d) That all current Hackney Carriage and Private Hire Drivers, including 'Combined' licensed drivers that have previously undertaken (PATS) training will be exempt from the new requirement.
- (e) To approve that where any current holder of a Hackney Carriage or Private Hire Driver licence has failed to attend the mandatory (PATS) training (other than those that are exempt) by 31<sup>st</sup> December 2019, their licence will be suspended until they attend the training and produce a valid certificate as confirmation.

## **8. Appendices Attached**

- 'A' - Letter from Nusrat Ghani PM – Department for Transport dated 25 July 2018
- 'B' - Extract from the 'Inclusive Transport Strategy' section 4.17 to 4.21.
- 'C' - Passenger Assistant Training Scheme (PATS) Modules

## **9. Background Papers**

- '1' - Inclusive Transport Strategy
- '2' - Equality Act 2010
- '3' - Equality Impact Assessment



# Department for Transport

Mike England  
Slough Borough Council

From the Parliamentary  
Under Secretary of State  
**Nusrat Ghani MP**

Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Tel: 0300 330 3000  
E-Mail: nusrat.ghani@dft.gsi.gov.uk  
Web site: www.gov.uk/dft

25 July 2018

Dear Mike,

## **The Inclusive Transport Strategy**

I am writing to inform you that today I am publishing the Government's Inclusive Transport Strategy. At the same time I am publishing the Summary of Responses for the draft Accessibility Action Plan consultation, which ran from August until November last year.

It is my ambition that disabled people have the same access to transport and opportunities to travel as everyone else, irrespective of whether their impairment is visible or less visible. This Strategy sets out the Government's plan to make travel easier for disabled people and is a major step in the change I intend to deliver as Accessibility Minister.

The Strategy builds on the responses received to our consultation, with the actions and objectives reflecting the responses received from our stakeholders. Government will be delivering the Strategy in close partnership with the travelling public and a wide range of public and private sector bodies. The support of Slough Borough Council will be vital in ensuring the success of our work.

The Strategy's core objectives are:

- Raising awareness of passengers' rights and ensuring better enforcement of existing legislation;
- Improving the training that all transport services staff receive;
- Improving information provision before and during journeys;
- Planning physical infrastructure changes to enable disabled people; and
- Ensuring inclusive design for the technologies and business models of the future.

The Strategy covers a number of issues that I particularly want to bring to your attention. As you will be aware, the appearance of streets, and the way in which they function, has a significant impact on people's lives. Shared space is one approach to street design that has been introduced in some town centres in recent years. There are mixed views on the impact of shared space schemes, and many respondents to our consultation on the draft Accessibility Action Plan raised significant concerns about them. In particular, groups representing visually impaired people expressed concern that shared space schemes were difficult to navigate and left them feeling excluded. This particularly applied to schemes that included a 'level surface', in which the kerb between the road and the pavement is removed.

In recognition of these issues, we are therefore asking that your authority pause the introduction of new shared space schemes which incorporate a level surface, and which are at the design stage. This pause will allow us to carry out research and produce updated guidance. We have also suspended our guidance note Local Transport Note 1/11: Shared Space while this work takes place - the Department's website will be updated to reflect this.

I am absolutely clear that all public realm schemes should be inclusive and accessible and I hope that you will play your part by respecting our request to pause the introduction of new shared space schemes. Please direct any queries about this to our enquiry inbox at [traffic.signs@dft.gov.uk](mailto:traffic.signs@dft.gov.uk).

I also wanted to write to you about the accessibility of any taxi and private hire vehicle (PHV) services which your authority may be responsible for licensing. Such services play a vital role in helping disabled people to remain independent and to complete door-to-door journeys, yet all too often they are inaccessible to those who rely upon them. I want all licensing authorities to play their part in ensuring that the taxi and PHV services they support meet the needs of passengers wishing to use them, including:

- Publishing lists of taxis and PHVs designated as being "wheelchair accessible" for the purposes of Section 167 of the Equality Act 2010;
- Prosecuting drivers for discriminating against assistance dog owners and wheelchair users, where sufficient evidence exists to do so, and applying appropriate licensing sanctions;
- Reviewing the demand for wheelchair accessible taxis and PHVs in your area, and taking steps to ensure that the composition of fleets reflects this need; and
- Requiring all taxi and PHV drivers to complete disability awareness training.

I am clear that where authorities have the powers necessary to improve services for disabled passengers they should be using them, and I will write to all local licensing authorities later in the year to understand better the steps they are taking to challenge discrimination and to support an inclusive service. If your authority is not responsible for licencing, then I would ask that you share this letter with the lower-tier authorities within your area so that they may consider these issues.

The Strategy also highlights our commitment to work with local authorities to identify solutions that address disabled people's access to hospital transport. This issue requires a coordinated approach, and so it is only in partnership with your authority that the Department will be able to deliver new solutions. Accordingly, we hope your authority will support the improvement of journeys to hospitals by actively considering the location of bus stops and routes when developing the next iteration of your local transport plan.

I'm sure that you will welcome our plans to make travel easier for disabled people, and hope that we will be able to work closely together to deliver on our ambitions on achieving a transport system that works for everyone.

A handwritten signature in black ink, appearing to read "Nusrat Ghani", is centered within a light gray dotted rectangular background.

**NUSRAT GHANI**

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## **Taxis and Private Hire Vehicles**

4.17 Taxis and Private Hire Vehicles (PHVs) play an essential role in enabling disabled people to complete door-to-door journeys where other forms of transport may not be available or accessible. Vehicles and drivers are licensed by local licensing authorities (LLAs) which have broad powers to shape the service provided within their jurisdiction.

4.18 Disabled passengers travelling by taxi or PHV have a number of rights, including:

- Section 20 of the Equality Act 2010, which requires service providers to make reasonable adjustments to enable them to access their services;
- Section 165 of the Equality Act 2010, which requires non-exempt drivers of taxis and PHVs designated as wheelchair accessible to accept the carriage of wheelchair users, to provide them with appropriate assistance, and to refrain from charging them more than other passengers would pay for the same service; and
- Sections 168 and 170 of the Equality Act 2010, which requires non-exempt drivers of taxis and PHVs to accept the carriage of assistance dogs and to refrain from charging extra for them.

4.19 Around 58% of vehicles are already wheelchair accessible, but these tend to be concentrated in urban locations and taxi fleets. The proportion of wheelchair accessible PHVs remains very low, at about 2% nationally.

4.20 This Strategy should help ensure that authorities not only use the powers available to them to ensure that taxi and PHV services not only comply with the legal requirements but that these services meet the needs of passengers more consistently.

4.21 In the longer term we want the service currently provided by taxis and PHVs to be as accessible to disabled passengers as it is for those who are not disabled. This should mean not only that vehicles are sufficiently accessible to provide for people with a range of access needs, but that the means of hiring them is accessible, that passengers can be picked up or dropped off at a location convenient to them, and that no disabled person is ever left at the kerbside or charged extra for their journey. We also want LLAs to understand their role in helping this to happen, both through the licensing system and through other areas of influence, such as traffic management.

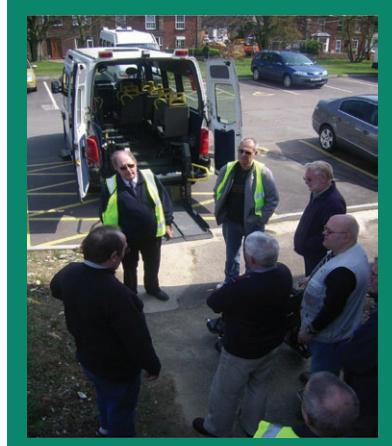
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# Passenger Assistant Training Scheme

## - PATS

### PATS

- Is designed for anyone who has care or supervision of passengers travelling by road - in cars, taxis, minicabs or large buses
- Is relevant to volunteers as well as paid staff
- Covers legal, practical and safety issues - a comprehensive training package
- Aims to improve passenger safety by providing the skills and information for passenger assistants to understand and meet the needs of their passengers
- Has been developed jointly by Hampshire County Council and the Community Transport Association



**For information on related training administered by CTA see [ctauk.org](http://ctauk.org)**

**The contact point for PATS is:**

Community Transport Association,  
Highbank,  
Halton Street,  
Hyde,

Cheshire SK14 2NY

Tel: 0161 351 1475 Email: [info@ctauk.org](mailto:info@ctauk.org)

# PATS: Become a member

- > Access to PATS training is gained by your organisation becoming a PATS member
- > Membership is open to schools, voluntary organisations, healthcare providers, commercial transport companies, community transport operators and council departments
- > PATS training is firstly given to the person in your organisations who will be responsible for training your passenger assistants
- > This person, called a Passenger Assistant Trainer, then has the skills and information to train passenger assistants
- > PATS training is divided into different sections, called modules. These relate to different aspects of the work which passenger assistants usually do - some work only with children, others with adults who have disabilities, and so on
- > Before they are trained passenger assistants must have their training needs assessed, taking into account any training they have already had and the needs of the passengers they work with
- > Written material is available to support all training courses. A passenger assistant handbook is available to order from the CTA
- > As a PATS member your organisation must accept the certificates of passenger assistants who were trained by other PATS members as evidence of the training they have already received

## PATS Training - the different modules

### **These are the PATS modules:**

#### **Module A: The Role of the Passenger Assistant**

This is the 'foundation' module because it is a starting point for further training. It covers the role and responsibilities of a passenger assistant, including legal, practical and safety issues

#### **Module B1: Passenger Awareness and Assistance**

This module is intended for passenger assistants whose duties involve assisting passengers with disabilities, including wheelchair users but does not cover wheelchair users who travel in their wheelchairs. It contains information on professional etiquette, assisting passengers with walking difficulties, passengers who are blind or partially sighted, passengers who are deaf or hard of hearing and passengers who may use wheelchairs to get to the vehicle. The Module contains a practical skills assessment, which passenger assistants must pass in order to receive a certificate.

## **Module B2: Assisting Passengers who travel in their Wheelchairs**

This module is intended for passenger assistants whose duties include assisting passengers who travel in their wheelchairs. It looks at safe use of passenger lifts and wheelchair tie-down and occupant restraint systems (WTORS) and all the issues surrounding wheelchair user safety on vehicles. This module also contains a practical skills assessment, which passenger assistants must pass in order to receive a certificate. Passenger assistants must successfully complete Module B1 before undertaking this Module.

## **Module C1: Supervising Children and Young People with Special Needs**

This includes supervising children and young people with learning difficulties, autism, physical disabilities, sensory restrictions and emotional or behavioural difficulties



## **Module C2: Working with Adults Who Require Care and Supervision**

This includes adult passengers with learning difficulties, dementia, physical disabilities, sensory restrictions and people in mental or emotional distress

**These modules are all designed to be delivered by a Passenger Assistant Trainer.**

There are also two other 'specialist' PATS modules:

- > [Module D Emergency Aid](#)
- > [Module E Manual Handling](#)

Because of their specialised nature these modules cannot be delivered by your Passenger Assistant Trainer. They will be available through specialist training providers. Please contact the CTA for more information.

# Some questions answered

## Q: Is PATS only for paid staff? What about volunteers?

A: PATS is for paid staff and volunteers. Each organisation has a duty of care - to volunteers as well as paid staff. So PATS training is equally relevant to volunteers.

## Q: Is PATS relevant for drivers too?

A: Yes, especially if the driver also acts as passenger assistant, or where the driver and passenger assistant work together closely as a team.

## Q: Can PATS modules be taken at different times?

A: Yes. Module A is the foundation module, the starting point for further training. A passenger assistant can add other modules at any time. For example, if they currently work with children with special needs but their job changes to include older people with dementia they will need to add module C2 to their existing modules A, B and C1.

## Q: Do all of our existing passenger assistants have to be retrained to PATS standards?

A: This is recommended but is not a requirement of PATS membership. It is for your organisation to assess the training needs of your passenger assistants.

## Q: If I recruit a passenger assistant who has already been PATS-trained by another organisation, do they need any further training?

A: You must accept their PATS certificate as evidence of the training they have received. But they will need some local familiarisation as their duties, procedures, vehicles and equipment may be different from where they worked before.

## Q: How much time will be involved for the Passenger Assistant Trainer?

A: To become a Passenger Assistant Trainer will take 1½ days (for Module A only) or 3-4 days (Modules A, B1, B2, C1 and C2)

## Q: How long will it take to train passenger assistants?

A: For the Passenger Assistant Trainer to deliver the modules to passenger assistants will take at least:

- Module A: 3 hours
- Module B1: 2 hours
- Module B2: 3 hours
- Module C1: 1 hour 25 mins
- Module C2: 1 hour 25 mins

(These times exclude lunch and other breaks. Individual trainers may take longer depending on their personal style, practical demonstrations and the size of the group of passenger assistants they are training).

## Q: How much will it cost?

A: Current costs of courses are available by contacting the PATs Training Agents. Training Agents contact details can be found at:

<http://www.ctauk.org/training/pats-training-agencies.aspx>

## Q: How does my organisation join the scheme?

A: Please download, complete and return the PATS membership application form at <http://www.ctauk.org/training/pats.aspx>

## Q: Why should my organisation choose PATS?

A: PATS covers legal, practical and safety issues, presented in an easily understood form. It is a comprehensive training package, developed by experts in this field.

**MEMBERS' ATTENDANCE RECORD 2018/19**  
**LICENSING COMMITTEE**

COUNCILLOR	12/06/18	10/09/18 (Extraordinary)	18/10/18	14/02/18	27/03/18
B Bains	P	P			
Davis	P	P			
M Holledge	P	Ap			
Mann	P	P			
D Parmar	P	P			
S Parmar	P	P			
Qaseem	P* (Until 8.06pm)	P			
Shah	P	P			
Strutton	P	P			
Usmani	P	P			
Wright	P	P			

P = Present for whole meeting

Ap = Apologies given

P\* = Present for part of meeting

Ab = Absent, no apologies given

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